




## City of Huntington Beach Planning Department **STUDY SESSION REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning  
**BY:** Tess Nguyen, Associate Planner   
**DATE:** February 24, 2009

**SUBJECT: CONDITIONAL USE PERMIT NO. 08-013 AND VARIANCE NO. 08-007  
(BEACH PROMENADE COMMERCIAL CENTER)**

**APPLICANT:** Bill Holman, Michael C. Adams Associates, 21190 Beach Boulevard, Huntington Beach CA 92648

**PROPERTY OWNERS:** Bijian Sassounian, 21190 Beach Boulevard, Huntington Beach CA 92648  
James Diebold, PNS Stores, Inc., 300 Philipi Road, Columbus OH 43228  
Sigma Enterprises, Inc., 111 S Kraemer Blvd #C, Brea CA 92821

**LOCATION:** 21022-21190 Beach Boulevard, 92648 (southeast corner of Beach Boulevard and Atlanta Avenue)

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### **PROJECT REQUEST AND SPECIAL CONSIDERATIONS**

This item is an appeal, filed by the project proponent, Bill Holman of Michael C. Adams Associates, of the Zoning Administrator's December 10, 2008 approval of Conditional Use Permit (CUP) No. 08-013 and Variance (VAR) No. 08-007. CUP No. 08-013 is a request to permit the construction of two additions totaling approximately 5,870 sq. ft. to an existing 85,107 sq. ft. commercial/retail shopping center. VAR No. 08-007 is a request to allow 340 parking spaces in lieu of the minimum required 380 parking spaces (40 space reduction). The request also includes an exterior façade remodel and site improvements of the parking lot for the shopping center. In addition, the applicant is proposing new vehicular access through the median separating Beach Boulevard and the parallel frontage road. The new access point will provide direct access to the site from Beach Boulevard via the frontage road.

The project site is a 6.74 acre developed commercial property, located on the southeast corner of Beach Boulevard and Atlanta Avenue, in the CG (Commercial General) Zone. The site has six buildings totaling 85,107 sq. ft. of floor area with 274 parking spaces. The surrounding neighborhood is developed with residential uses, as described in the table below.

## **CURRENT LAND USE, HISTORY OF SITE, ZONING, AND GENERAL PLAN DESIGNATIONS**

<b>LOCATION</b>	<b>GENERAL PLAN</b>	<b>ZONING</b>	<b>LAND USE</b>
Subject Property:	CG-F1 (Commercial General—0.35 Max. Floor Area Ratio)	CG (Commercial General)	Shopping Center
North (across Atlanta Avenue), South, and West (across Beach Boulevard) of Subject Property:	RM-15 (Residential Medium Density—15 Dwelling Units per Acre )	RM (Residential Medium Density)	Multi-Family Residential Uses
East of Subject Property: (across the flood channel)	RMH-25 (Residential Medium High Density—25 Dwelling Units per Acre )	RMH (Residential Medium High Density)	Multi-Family Residential Uses

The project, as proposed, complies with applicable provisions of the General Plan and CG zoning designation, including building height, building setbacks, floor area ratio, and landscaping. With the building addition of 5,870 sq. ft., the parking requirement for the shopping center is 380 parking spaces. However, the site is proposed to provide 340 parking spaces. To address the parking deficiency, the applicant is requesting a parking variance to allow a 40-parking space reduction (340 parking spaces in lieu of the minimum required 380 parking spaces) for the 5,870 sq. ft. addition to the shopping center.

## **APPLICATION PROCESS AND TIMELINES**

DATE OF COMPLETE APPLICATION:

October 23, 2008

MANDATORY PROCESSING DATE(S):

December 23, 2008

Conditional Use Permit No. 08-013 was filed on March 21, 2008 and deemed complete July 15, 2008. Variance No. 08-007 was filed on September 23, 2008 and deemed complete October 23, 2008. The request was approved by the Zoning Administrator at a public hearing on December 10, 2008, in compliance with the mandatory processing timeline. An appeal was filed by the applicant on December 16, 2008 (Attachment No. 6). The application is tentatively scheduled for public hearing before the Planning Commission on March 10, 2009.

## **CEQA ANALYSIS/REVIEW**

The proposed project is Categorically Exempt pursuant to Section 15301, Class 1, of the California Environmental Quality Act, which exempts projects consisting of an addition of less than 10,000 sq. ft. of floor area to existing structures on a site where public services and facilities are available and the surrounding area is not environmentally sensitive.

## **COMMENTS FROM CITY DEPARTMENTS AND OTHER PUBLIC AGENCIES**

The project is located in the Huntington Beach Redevelopment Project, Main-Pier Subarea. The Departments of Building & Safety, Fire, Economic Development, Planning, Police, and Public Works have reviewed the application and identified applicable code requirements (Attachment No. 5).

## **PUBLIC MEETINGS, COMMENTS AND CONCERNS**

The Zoning Administrator held a public hearing of this application on December 10, 2008. The applicant spoke in support of the project, but contested the code requirements and conditions of approval regarding the following items:

- requirement to provide a plaza/courtyard, walkways, and paths of travel
- compliance with Fire requirements to provide access roads
- prohibition of the use of the frontage for a new access from Beach Boulevard
- prohibition of any encroachments or improvements to the frontage road
- removal and replacement of all damaged curb, gutter, and sidewalk
- replacement of water meters
- relocation of the backflow prevention devices
- requirement to upgrade the existing 8-in water line with a 12-in water line

Representatives from the departments of Public Works, Fire, and Economic Development were present to discuss the code requirements and conditions of approval. The Zoning Administrator indicated that it is not within his purview to waive the code requirements but the applicant has the option to appeal the code requirements to the Planning Commission. Three adjacent residents expressed concerns regarding the purpose of the frontage road, condition of the frontage road being used as a racetrack, parking issues at the site during the summer. After considering the applicant's reasons for requesting the new access from Beach Boulevard, the Zoning Administrator modified Condition of Approval No. 3 that enable the applicant to submit further information in order to create a design for the new access that would be acceptable to the Department of Public Works. The Zoning Administrator approved Conditional Use Permit No. 08-013 and Variance No. 08-007 with modified findings and conditions of approval.

## **PLANNING ISSUES**

The primary issues for the Planning Commission to consider are those items identified in the applicant's appeal letter which are summarized below. Because of the appeal, this is a new hearing on the entire project where all issues related to the project are reviewed. The Planning Commission would also consider conformity with the Huntington Beach Zoning and Subdivision Ordinance requirements, any proposed variance, conformity with the Design Guidelines, and consistency with the goals, objectives, and policies of the General Plan.

The applicant is appealing the Zoning Administrator's approval of the application on the basis of objections to six conditions of approval and six code requirements imposed on the project and the rationale of these objections (Attachment No. 6):

- Condition 1 (a)(i-iv)—the requirement of the Design Review Board to include a plaza/courtyard, south to south pedestrian walkways, paths of travel from parking areas to building entrances, and a public art element.

*The applicant indicates that incorporation of these elements into the final design would result in the loss of parking spaces of landscaped areas depicted on the conceptually approved site plan. The applicant would like to have flexibility in the final number of parking spaces or landscaped areas required subject to Planning Director approval.*

- Condition 1(b)—the compliance of all Fire Department requirements by providing a hammerhead turn-around or cutting through existing shop building number 2.  
*The applicant contends that compliance with Fire Department requirements for a hammerhead turn-around behind shop building number 2 is not possible without demolition of all or a portion of this building. The owner of the shop building number 2 and the applicant are opposed to any demolition of this building.*
- Condition 2(c)(1)—the removal and replacement of all damaged curb, gutter, and sidewalk along the Atlanta Avenue and Beach Boulevard frontages.  
*The applicant asserts there are inherent conflicts between prohibiting encroachments into the frontage road and requiring the removal and replacement all damaged curb, gutter, and sidewalk along the Atlanta Avenue and Beach Boulevard frontages. The applicant states that he is required to make improvements that the City has failed to maintain.*
- Condition 2(c)(2)—the placement of all new and existing water meters in the public right-of-way and the location of backflow protection devices adjacent to the water meters and outside of front yard setback and screened from view.  
*The applicant contends that this condition should apply to the new water meters of the two buildings which are proposed to be expanded (21022—Bank of America building and 21132—Rite Aid building) instead to all existing water meters. The applicant is requesting that backflow prevention devices be allowed to within the front yard setback because they cannot be constructed adjacent to the water meters unless they are placed in the public sidewalk.*
- Condition 3—the allowance of the proposed curb cut and access opening to the development between Beach Boulevard and the frontage road based on the submittal of an acceptable design for review and approval by the Public Works Department.  
*The applicant contends that the requested new access and circulation improvements is consistent with good planning and design, which is critical to the viability of the center and attracting and retaining high quality tenants.*
- Condition 4—the exclusion of encroachments into the frontage road except for those identified in Conditions 2(c)(1), 2(c)(2), and 3.  
*The applicant contends that the proposed access to Beach Boulevard would not have a negative impact on traffic movements based on the Access and Parking Analysis prepared by LSA Associates, Inc. The applicant believes that providing direct ingress and egress to and from the center for northbound traffic on Beach Boulevard would help revitalize the center and reduce the amount of traffic making unsafe left turns across Atlanta Avenue to get to Beach Boulevard.*
- Requirement 1(b)—the requirement of the installation of separate domestic water services and meters to 21022 and 21132 Beach Boulevard.  
*The applicant states that separate domestic water services already exist for the 21022 and 21132 Beach Boulevard.*
- Requirement 1(d)—the requirement of the installation separate backflow protection devices on all existing and new domestic and irrigation water services to buildings owned by the developer.



*The applicant contends that only two buildings are proposed to be expanded and the requirement to install new backflow prevention devices on all new and existing services seems excessive.*

- Requirement 1(e)—the abandoning of the existing water service and meter serving 21022 and 21132 Beach Boulevard.

*The applicant states that separate domestic water services already exist for the 21022 and 21132 Beach Boulevard. He would like to use the existing services and meters and not have to abandon them.*

- Requirement 1(g)—the upgrade/improvement of the City's water system to meet the water demands to the site and/or otherwise mitigate the impacts of the property at no cost to the City, including the design and construction of approximately 1,100 lineal feet of 12-in water pipeline and appurtenances.

*The applicant says that the requirement to construct 1,100 lineal feet of 12-in water line is a major expense for such a small expansion to the center and requests the deferral of this requirement when the center is redeveloped.*

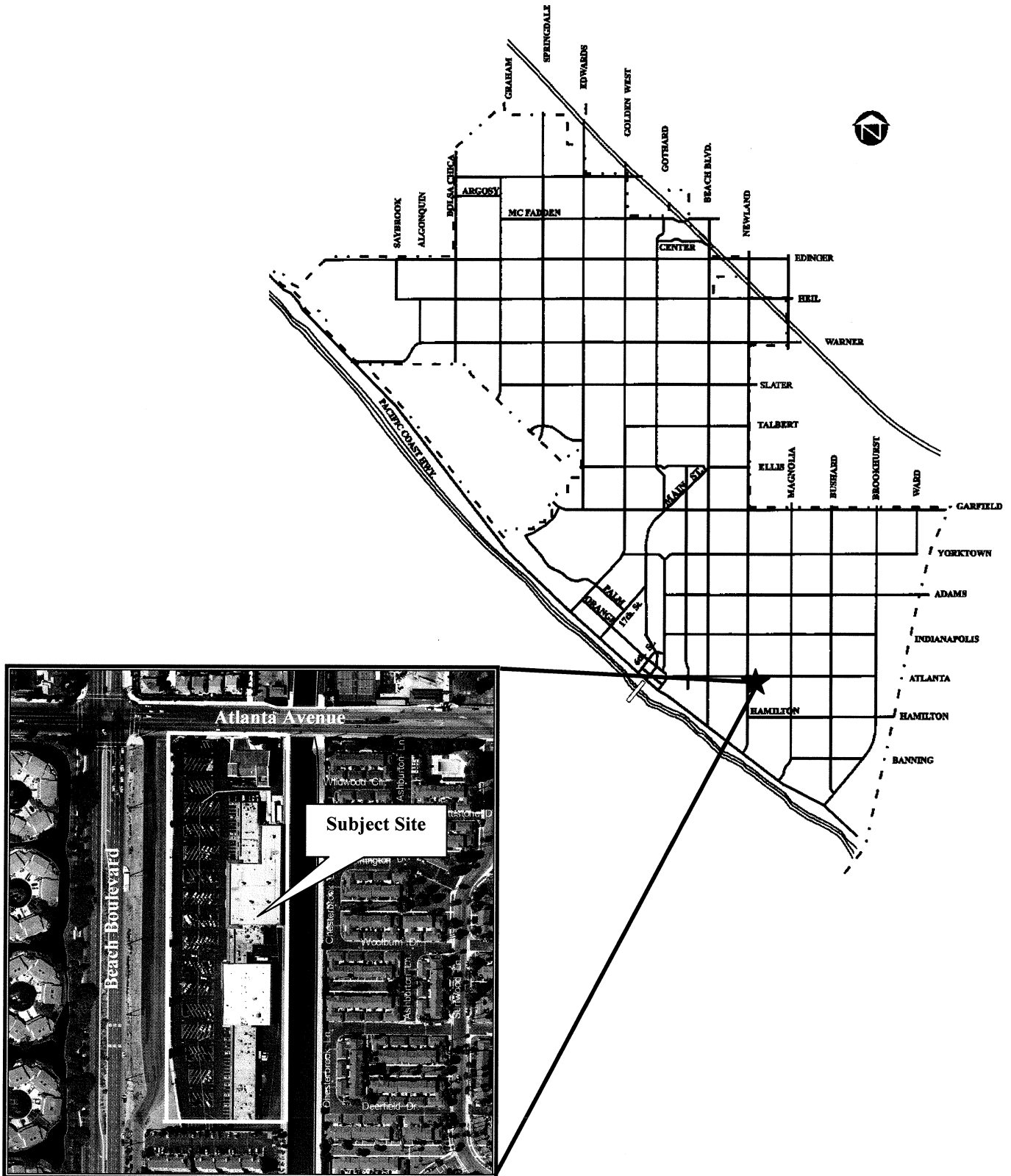
- Requirement 2(a)—the construction of an ADA compliant curb access ramp at the southeast corner of Atlanta Avenue and the frontage road.
- Requirement 2(d)—the removal of the existing southerly driveway approach on the Beach Boulevard frontage road.

*The applicant requests relief from the requirement to install a new handicap ramp at the corner of Atlanta Avenue and the frontage road and the requirement to remove the existing driveway approach at the south end of the center which may be needed for truck access.*

The conditions of approval are recommended by staff to ensure the following: 1) adequate pedestrian access to the site; 2) compliance with fire protection requirements; 3) replacement of damaged curbs, gutters, and sidewalks; 4) proper placement of water meters and backflow protection devices; 5) allowance of the proposed curb cut and access opening from Beach Boulevard and the frontage road based on an acceptable design; and 6) exclusion of encroachments into the frontage road. Discussions with the departments of Public Works, Fire, Economic Development, and the applicant are in progress and may result in modifications in some code requirements and conditions of approval.

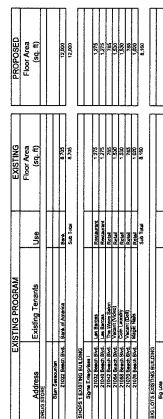
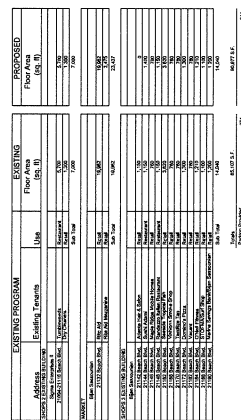
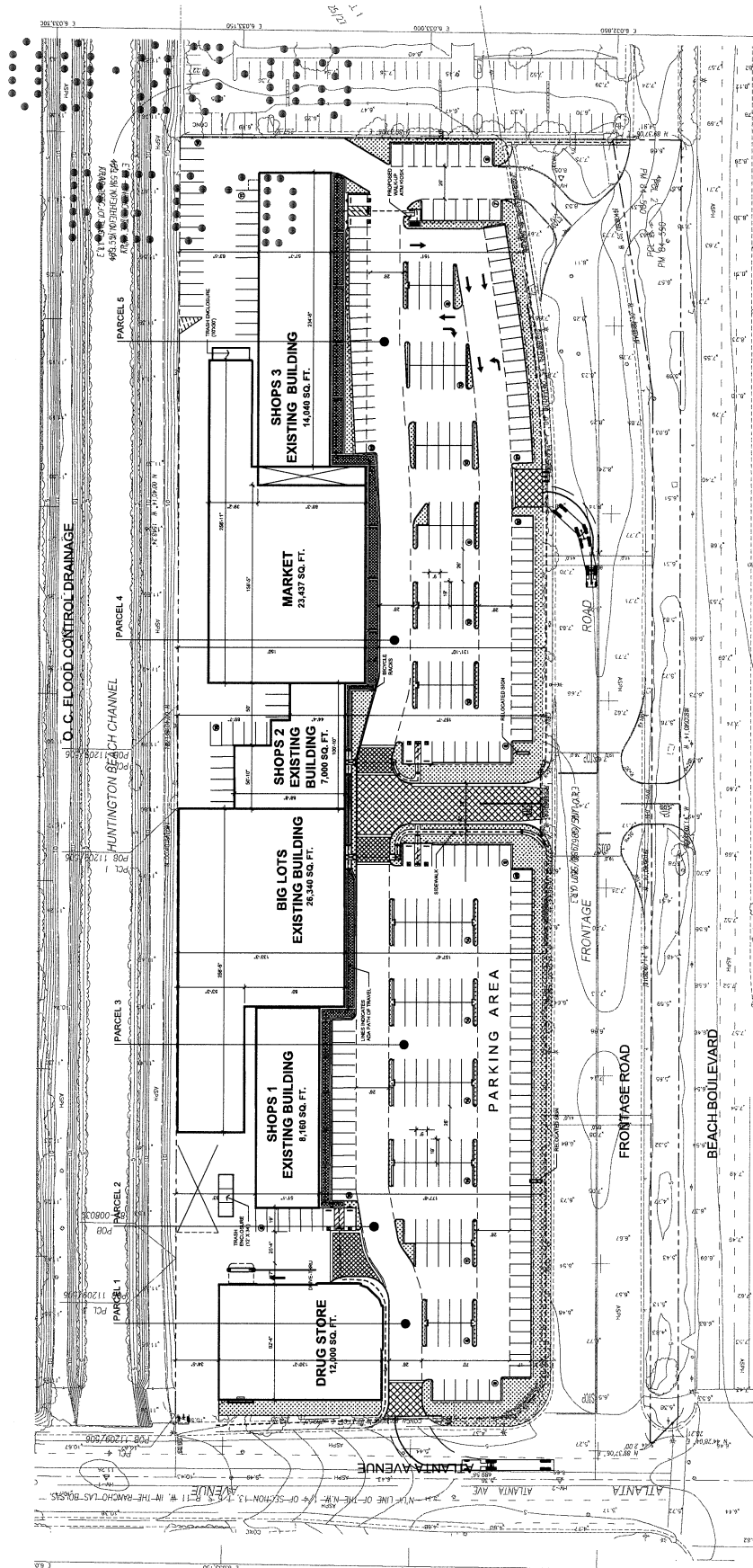
#### **ATTACHMENTS:**

1. Vicinity Map
2. Site Plan, Floor Plan, and Elevations received and dated September 23, 2008
3. Zoning Administrator Notice of Action—CUP No. 08-013 and VAR No. 08-007, December 11, 2008
4. Draft Minutes of December 10, 2008 Zoning Administrator meeting
5. Code Requirements Letter—CUP No. 08-013 and VAR No. 08-007 (Building & Safety Dept: October 14, 2008; Economic Development Dept: November 6, 2008; Fire Dept: October 1, 2008; Planning Dept: November 11, 2008; Police Dept: October 30, 2008; Public Works Dept: October 30, 2008)
6. Applicant's Appeal Letter received and dated December 19, 2008
7. Letters Received Regarding the Proposed Project



### VICINITY MAP

CONDITIONAL USE PERMIT NO. 08-013/VARIANCE NO. 08-007  
(BEACH PROMENADE – 21022-21190 BEACH BOULEVARD)



20,320 S.F. LANDSCAPED AREA (6.9%)

**Sassounian Development Co.**  
21190 Beach Boulevard  
Huntington Beach, CA 92648  
sassounian@aol.com

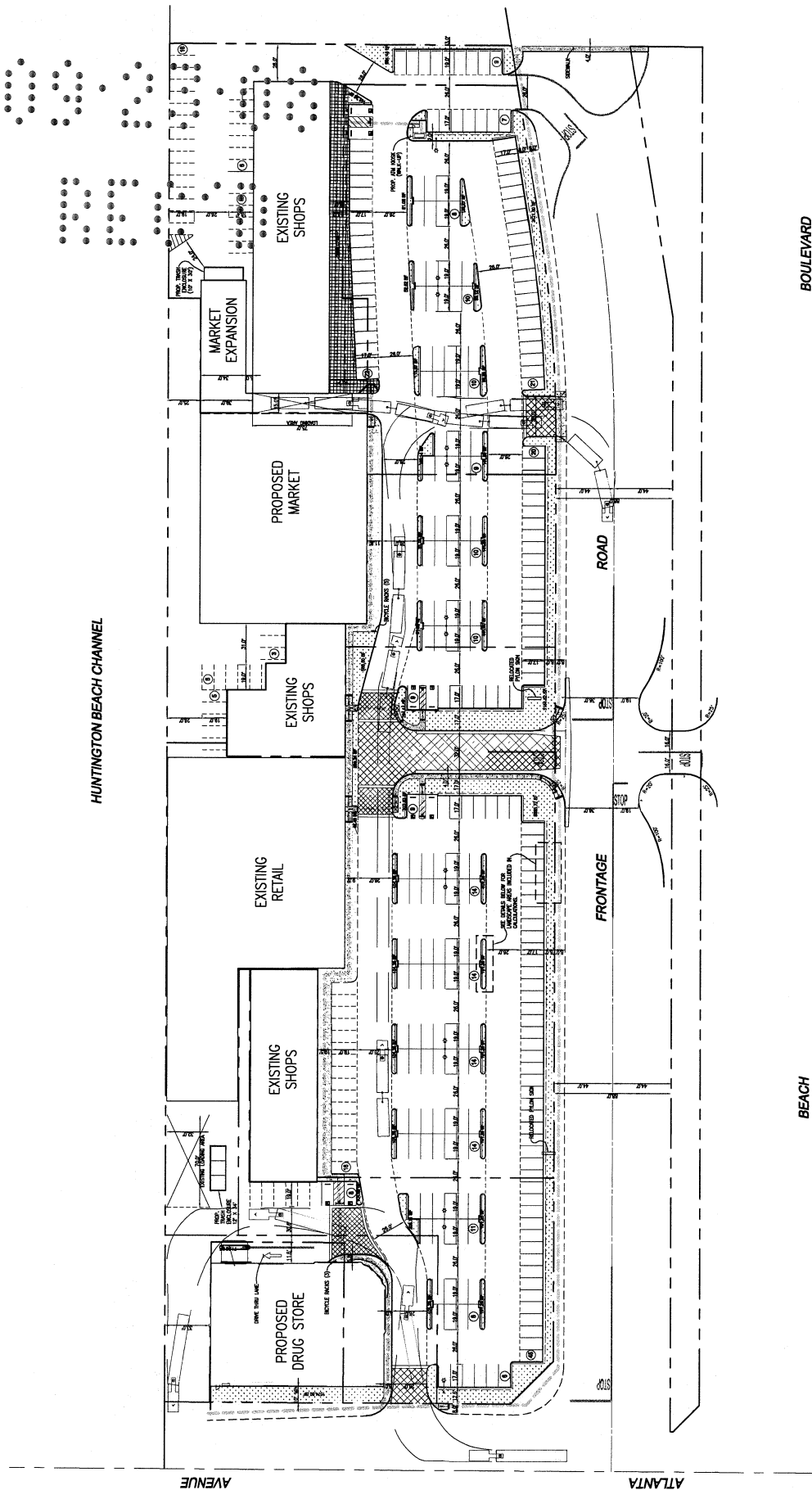
# BEACH PROMENADE

HUNTINGTON BEACH, CA

## SITE PLAN

**Withne Malcolm Architects, LLP**  
2251 W. 190th Street  
Torrance, CA 90504  
Tel. (310) 217-8855  
Fax (310) 217-0425

JOB NO.: A6577.200  
SCALE: 1"=30'-0"  
DATE: 05.15.2008



LANDSCAPE AREA CALCULATIONS:	
1574.00	266.14
101.26	1164.62
101.26	101.26
7.00	81.06
200.71	7.00
101.26	141.50
104.69	81.06
101.26	150.14
101.26	141.50
101.26	96.84
101.26	116.67
101.26	101.26
101.26	52.62
101.26	296.07
101.26	2121.60
46.40	132.67
5333.72	81.06
303.52	146.26
286.24	864.49
<b>TOTAL = 20,316.81 SF</b>	

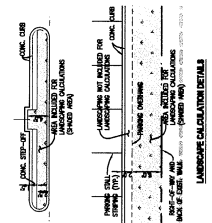
## **LANDSCAPE AREA**

**TOTAL PROPERTY AREA: 293,595 SF (6.74 ACRES)**  
**LANDSCAPED AREA: (20,320 SF)**  
**% OF SITE LANDSCAPING: 6.9%**

## PARKING

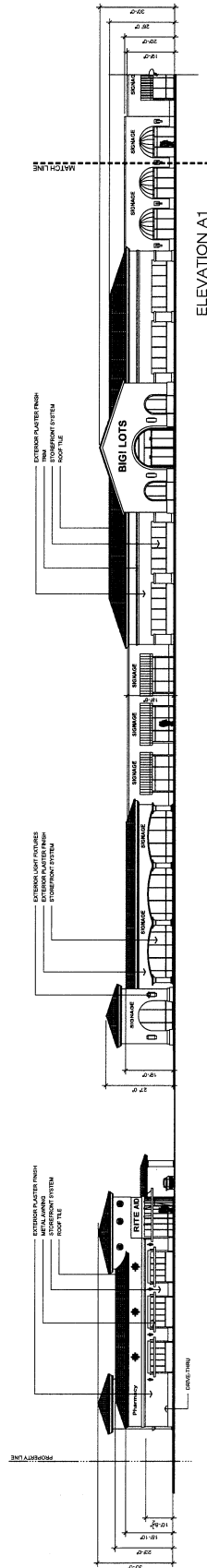
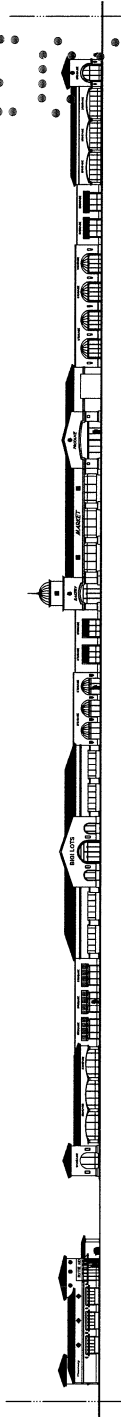
**STANDARD PARKING STALLS PROVIDED: 336**  
**HANDICAP PARKING STALLS PROVIDED: 8**  
**TOTAL PARKING STALLS = 344**

DESIGNATES ADA PATH-OF-TRAVEL

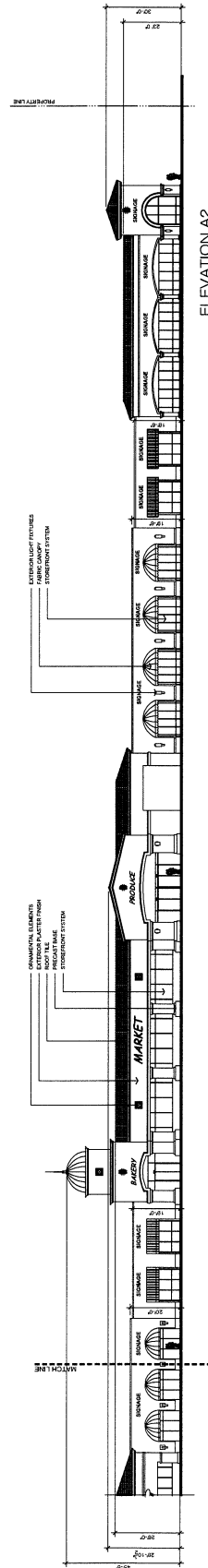


0 9 2 3 4 5

ELEVATION A  
SCALE: 1/32"=1'-0"



ELEVATION A1



ELEVATION A2



Winters Malcolm Architects, LLP  
11111 1st Street  
Torrance, CA 90503  
Tel (310) 217-4425  
Fax (310) 217-4425  
CDA NO. A0057420  
SCALE: 1/32"=1'-0"  
DATE: 03.19.2006

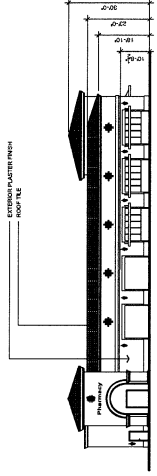
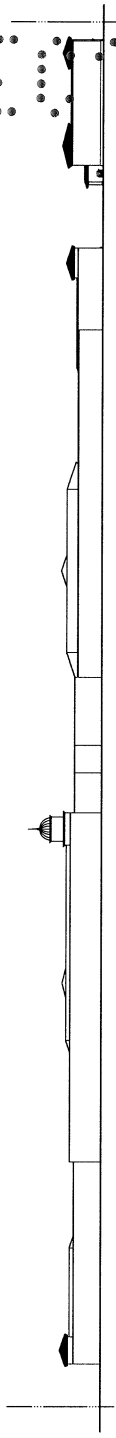
# BEACH PROMENADE

HUNTINGTON BEACH, CA  
EXTERIOR ELEVATIONS

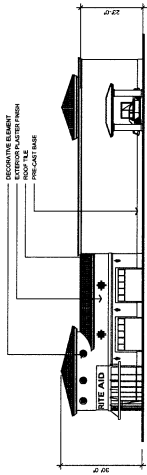
Sassounian Development Co.  
21190 Beach Boulevard  
Huntington Beach, CA 92648  
sassounian@aol.com

09-23-09

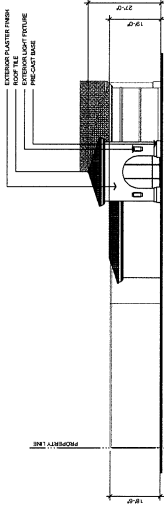
ELEVATION F  
SCALE: 1/8"=1'-0"



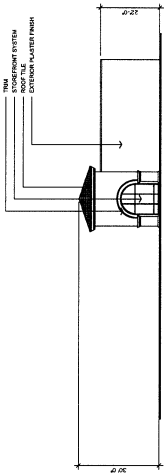
ELEVATION C



ELEVATION E



ELEVATION B



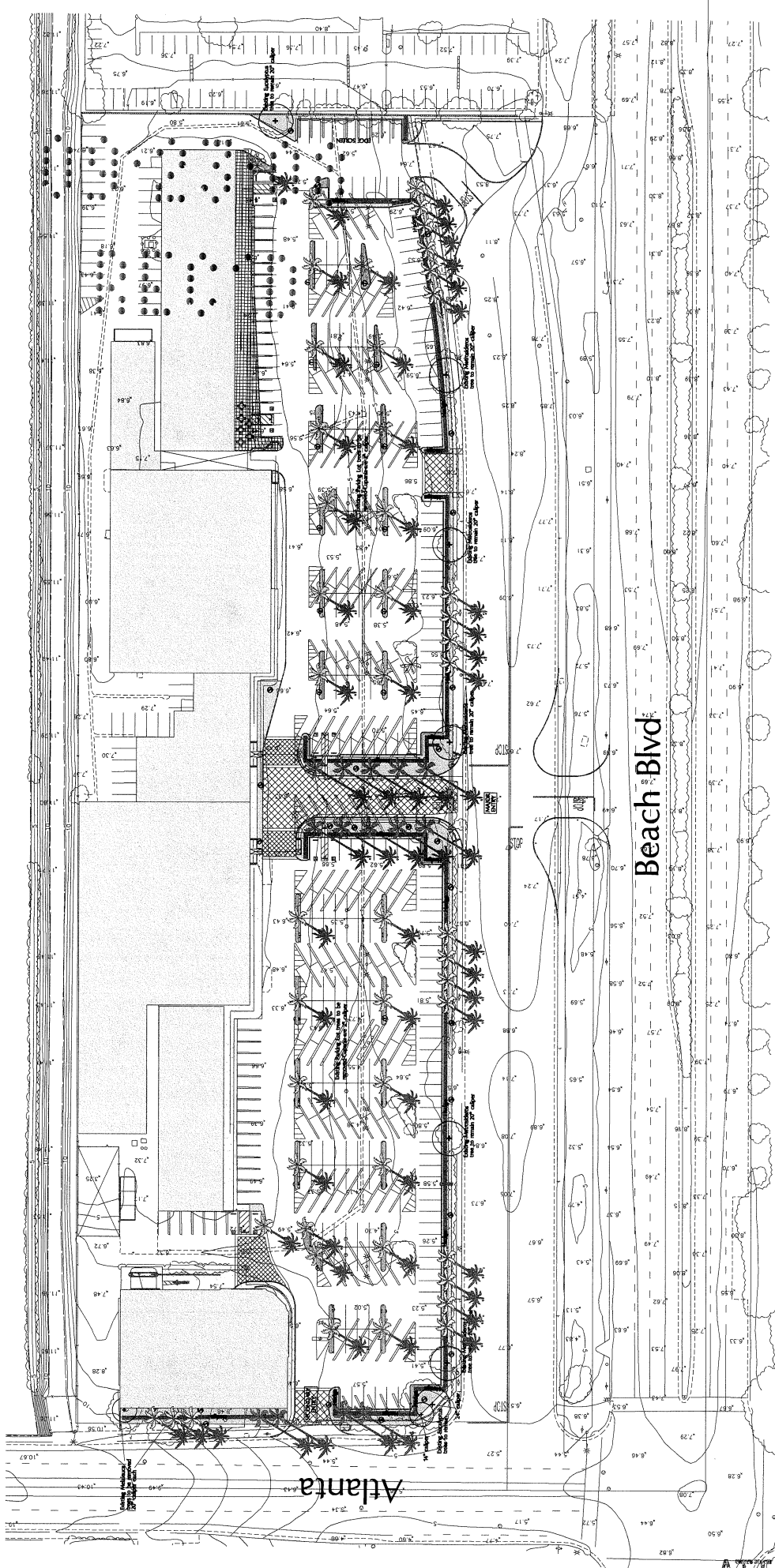
ELEVATION D



White Melvin Architects, LLP  
225 W. 10th Street  
San Francisco, CA 94103  
Tel: (415) 398-1100  
Fax: (415) 398-1101  
www.white-melvin.com

**BEACH PROMENADE**  
HUNTINGTON BEACH, CA  
EXTERIOR ELEVATIONS

Sassounian Development Co.  
21190 Beach Boulevard  
Huntington Beach, CA 92648  
sassounian@aol.com



PLANTING LEGEND

Suggested Shrub List

- Carissa 'Green Carpet' (Green Carpet Natal Plum)
- Escallonia organensis (Escallonia)
- Caura siskiyou 'Pink' (Caura)
- Hemerocallis 'mixed colors' (Daylily)
- Leptospermum cultivars
- Raphiolepis cultivars
- Lavandula dentata (French Lavender)
- Rosmarinus 'Tuscan Blue' (Tuscan Blue Rosemary)
- Westringia fruticosa (Coast Rosemary)
- Phorium cultivars
- Senecio repens (Blue Pickle)
- Pelargonium peltatum (Ivy Geranium)
- Agapanthus cultivars (Lily of the Nile)

Turfed Parking Areas

- Paspalum vaginatum (Seashore Paspalum)

ENTRY DESIGNATION

- Washingtonia robusta (Mexican Fan Palm) 25' brown trunk

BEACH-ATLANTA STREET EDGE

- Archontophoenix cunninghamiana (King Palm) 12'-13' of trunk height

INTERIOR PARKING ACCENT

- Washingtonia robusta (Mexican Fan Palm) 12' brown trunk

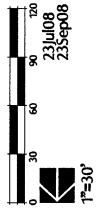
EDGE SCREEN

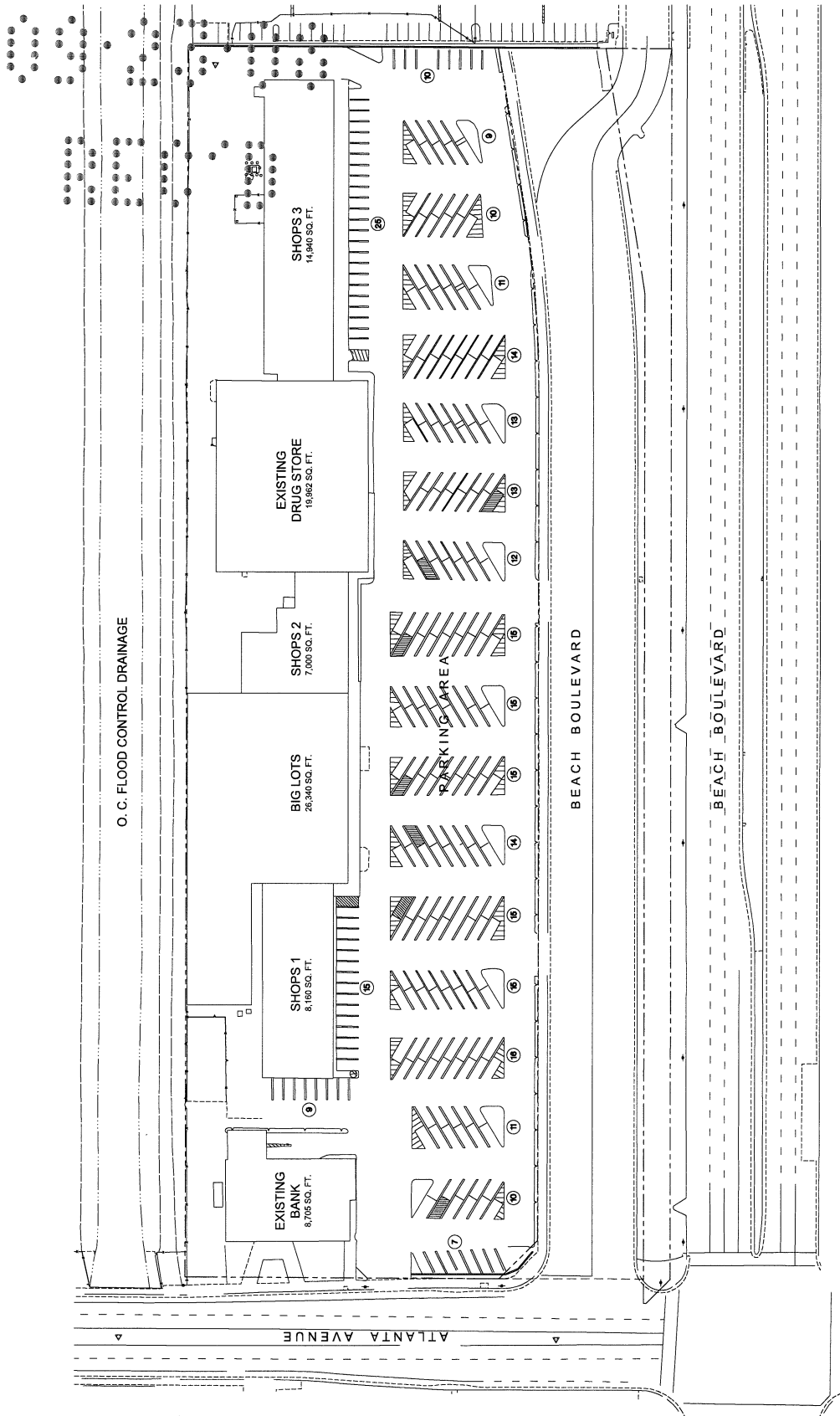
- Lagunaria patersonii (Primrose Tree) 24" box

PARKING EDGE SCREENING

- Pittosporum tobira variegata (Variegated Mock Orange) pruned to 30" height five gallon

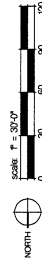
Conceptual Landscape Plan





EXISTING BUILDING AREA	
EXISTING BANK	8,705 SQ. FT.
SHOPS 1	8,100 SQ. FT.
BIG LOTS	26,340 SQ. FT.
SHOPS 2	7,000 SQ. FT.
EXISTING DRUG STORE	19,982 SQ. FT.
SHOPS 3	14,940 SQ. FT.
TOTAL	85,107 SQ. FT.

PARKING	274
EXISTING PARKING SPACES	

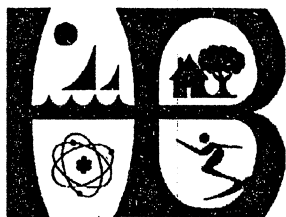


White Malcom Architects, LLP  
 2250 Main Street  
 Torrance, CA 90504  
 Tel: (310) 217-4400  
 Fax: (310) 217-4405  
 JOB NO.: 04077-200  
 SHEET NO.: 04077-200-01  
 DATE: 11-28-07

# BEACH PROMENADE HUNTINGTON BEACH, CA Existing Site Plan

Sassounian Development Co.  
 21190 Beach Boulevard  
 Huntington Beach, CA 92648  
 sassounian@aol.com





**OFFICE of the ZONING ADMINISTRATOR  
CITY OF HUNTINGTON BEACH • CALIFORNIA**

~~~~~  
P.O. BOX 190

CALIFORNIA 92648

(714) 536-5271

**NOTICE OF ACTION**

December 11, 2008

Mike Adams  
21190 Beach Boulevard  
Huntington Beach, CA 92648

**SUBJECT:** **CONDITIONAL USE PERMIT NO. 2008-013; VARIANCE NO. 2008-007 (BEACH PROMENADE COMMERCIAL CENTER)**

**APPLICANT:** Mike Adams

**REQUEST:** **CUP:** To permit the construction of two additions totaling approximately 5,870 sq. ft. to an existing commercial/retail shopping center. **VAR:** To allow 340 parking spaces in lieu of the minimum required 380 parking spaces (40 space reduction).

**PROPERTY OWNERS:** Bijian Sassounian, 21190 Beach Boulevard, Huntington Beach, CA 92648

James Diebold, PNS Stores, Inc., 300 Phillip Road, Columbus, OH 43228

Sigma Enterprises, Inc., 111 S. Kraemer Boulevard #C, Brea, CA 92821

**LOCATION:** 21022-21190 Beach Boulevard, 92648 (southeast corner of Beach Boulevard and Atlanta Avenue)

**PROJECT PLANNER:** Tess Nguyen

**DATE OF ACTION:** December 10, 2008

On Wednesday, December 10, 2008, the Huntington Beach Zoning Administrator took action on your application, and your application was **conditionally approved**. Attached to this letter are the findings and conditions of approval.

Please be advised that the Zoning Administrator reviews the conceptual plan as a basic request for entitlement of the use applied for and there may be additional requirements prior to commencement of the project. It is recommended that you immediately pursue completion of the conditions of approval and address all requirements of the Huntington Beach Zoning and Subdivision Ordinance in order to expedite the processing/completion of your total application. The conceptual plan should not be construed as a precise plan, reflecting conformance to all Zoning and Subdivision Ordinance requirements.

ATTACHMENT NO. 3.1

Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Zoning Administrator becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the Secretary of the Planning Commission within ten (10) calendar days of the date of the Zoning Administrator's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of One Thousand Two Hundred Eighty-Seven Dollars (\$1287.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and One Thousand Five Hundred Sixty-Nine Dollars (\$1569.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is December 22, 2008, at 5:00 PM.

Provisions of the Huntington Beach Zoning and Subdivision Ordinance are such that any application becomes null and void one (1) year after final approval, unless actual construction has begun.

Excepting those actions commenced pursuant the California Environmental Quality Act, you are hereby notified that you have 90 days to protest the imposition of the fees described in this Notice of Action. If you fail to file a written protest regarding any of the fees contained in this Notice, you will be legally barred from later challenging such action pursuant to Government Code §66020.

If you have any questions regarding this Notice of Action letter or the processing of your application, please contact Tess Nguyen, the project planner, at (714) 374-1744 or via email at [Tnguyen@surfcity-hb.org](mailto:Tnguyen@surfcity-hb.org) or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,



Ricky Ramos  
Zoning Administrator

RR:TN:kdc  
Attachment

c: Honorable Mayor and City Council  
Chair and Planning Commission  
Fred Wilson, City Administrator  
Scott Hess, Director of Planning  
William H. Reardon, Division Chief/Fire Marshal  
Herb Fauland, Planning Manager  
Terri Elliott, Principal Civil Engineer  
Gerald Caraig, Permit-Plan Check Manager  
Bijian Sassounian, 21190 Beach Boulevard, Huntington Beach, CA 92648  
James Diebold, PNS Stores, Inc., 300 Phillip Road, Columbus, OH 43228  
Sigma Enterprises, Inc., 111 S. Kraemer Boulevard #C, Brea, CA 92821  
Project File

ATTACHMENT NO. 3.2

## ATTACHMENT NO. 1

### FINDINGS AND CONDITIONS OF APPROVAL

#### CONDITIONAL USE PERMIT NO. 2008-013 VARIANCE NO. 2008-007

#### FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the proposed project consists of an addition of less than 10,000 sq. ft. of floor area to existing structures on a site where public services and facilities are available and the surrounding area is not environmentally sensitive.

#### FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-013:

1. Conditional Use Permit No. 2008-013 to permit the construction of two additions totaling approximately 5,870 sq. ft. to an existing commercial/retail shopping center will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The subject property is designated for commercial general development under the General Plan. The proposed project is consistent with the permitted uses and development standards within this designation. Residential uses are located approximately 115 feet to the north across Atlanta Avenue, 105 feet to the east across the flood channel, and 75 feet to the south. Since the activity areas on the site, including parking areas and building entrances, are oriented toward Beach Boulevard, the residential properties are sufficiently buffered. The proposed project will not generate significant noise, odors, traffic above levels already established by existing uses on site.
2. The conditional use permit will be compatible with surrounding uses because the proposed project is a minor expansion and façade remodel of an existing neighborhood shopping center. The proposed building is designed with colors and materials that complement surrounding residential neighborhoods by incorporating enhanced architectural details and materials such as tile roofs, plaster exterior finishes, trellises, awnings, and Mediterranean colors.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, except for the parking variance approved concurrently. The project complies with land use limitations, minimum landscaping and building setbacks and maximum floor area ratio, among others.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (Commercial General – 0.35 maximum floor area ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

LU 10.1.1: Accommodate the development of neighborhood, community, regional, office and visitor-serving commercial uses in areas designated on the Land Use Plan in accordance with Policy 7.1.1.

LU 10.1.4: Require that commercial buildings and sites be designed and developed to achieve a high level of architectural and site layout quality.

ED 2.4.1 – Encourage and assist existing and potential commercial owners to modernize and expand their commercial properties.

The proposed project consists of additions to an existing neighborhood commercial/retail shopping center in an area designated for commercial uses on the Land Use Plan. The addition will facilitate the expansion and introduction of businesses such as a grocery store and drug store intended to serve the surrounding residential neighborhood. The project design features quality architecture and exterior finish materials (plaster and decorative metal elements), a variety of roof lines and façade treatments, and a functional site layout with efficient access from parking areas to building entrances. The project will improve the existing building façades and modernize the shopping center.

**FINDINGS FOR APPROVAL - VARIANCE NO. 2008-007:**

1. The granting of Variance No. 2008-007 to allow 340 parking spaces in lieu of the minimum required 380 parking spaces will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. This represents a 40-space (10.5%) reduction in the required number of parking spaces. In the past, the City has allowed comparable reduction in the parking requirement for other similarly sized shopping centers in the same zoning classification through conditional use permits.
2. Because of special circumstances applicable to the subject property, including size, shape, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The variance will not constitute a grant of special privilege because the project site presents a special circumstance (an existing frontage road adjacent to the property) which is inconsistent with the limitations on other properties and which is remedied, in part, by the granting of the requested variance. The project site is encumbered by a frontage road adjacent to the site that rendered the site narrow and long as compared to other shopping centers with similar mix of tenants along Beach Boulevard and Edinger Avenue. This frontage road represents a constraint to development of the site, absent which additional parking spaces may be provided on site to meet the code required minimum.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variance is necessary to offset a unique constraint to development represented by an existing frontage road adjacent to the property, absent which the property could accommodate the additional parking spaces needed for code compliance. In addition, the variance is needed to enjoy the substantial property right of improving and expanding the existing center to create a

commercially viable shopping center with neighborhood uses such as a market, a drug store, restaurants, and personal services. In doing so, this center is able to compete with other shopping centers in the vicinity.

4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan. The proposed addition and remodel allows the existing commercial buildings to be designed and developed to achieve a high level of architectural and site layout quality. The parking area is designed to maximize the use of site while providing for efficient and convenient site access and internal circulation. To substantiate the reduction in the parking requirement, the applicant submitted the Access and Parking Analysis, prepared by LSA Associates, Inc. (August 2008). The total parking demand for the site would be 263 parking spaces based on parking surveys of the site and the parking requirement in the Huntington Beach Zoning and Subdivision Ordinance. The total number of parking proposed to be provided is 340 spaces. Since the parking demand is less than the parking provided onsite, the reduction in parking is not anticipated to generate overflow parking within the adjacent residential neighborhoods. Accordingly, the requested reduction in parking will not have a detrimental impact on surrounding property owners. The variance will accommodate new development in accordance with the General Plan Land Use and Density Schedule.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-013/  
VARIANCE 2008-007:**

1. The site plan, floor plans, and elevations received and dated September 23, 2008 shall be the conceptually approved design with the following modifications:
  - a. Plans shall be revised to be consistent with the approval by the Design Review Board on August 18, 2008 including the following modifications: (DRB)
    - i. Provide a plaza/courtyard to create a pedestrian friendly environment onsite.
    - ii. Provide the following walkways onsite to accommodate pedestrian traffic: 1) a walkway along the front of the buildings from Atlanta Avenue to the southerly property line and 2) a walkway along the main vehicular entrance to the site from the frontage road to the buildings.
    - iii. Provide textured pedestrian walkways across vehicular driveways to define the pedestrian paths from parking areas to primary building entrances.
    - iv. Incorporate public art into the project. A public art element, approved by the Design Review Board, Director of Planning, and Director of Huntington Beach Art Center, shall be designated on the plans. Public Art shall be innovative, original, and of artistic excellence; appropriate to the design of the project; and reflective of the community's cultural identity (ecology, history, or society). The art work shall be installed within two years of project approval.
    - v. Provide additional color variation and architectural elements such as wainscoting to enhance the market and Big Lots building elevations.

- b. The site plan shall be revised to comply with all Fire Department requirements. Specifically, fire access roads shall comply with City Specification #401 either by providing a hammerhead turn-around or cutting through existing shop building number 2. (FD)
  - c. Landscaping shall be provided in areas between the 10-foot wide enhanced paving walkway and the parking areas in front of shop building number 3.
  - d. The site plan shall identify the intended use of the space between the existing drugstore and shop building number 3 and the space behind shop building number 3. (PW)
  - e. The proposed market expansion area behind the existing shops shall be redesigned as to not create a dead end walkway that is vulnerable to undesirable activities and crime. (PD)
  - f. The proposed stand-alone ATM shall be relocated to a different area on the site that allows more visibility and safety when the stores are closed. (PD)
  - g. The loading door facing Beach Boulevard shall have a decorative design compatible with the building elevation to the approval of Planning staff.
2. Prior to issuance of grading permits, the following shall be completed:
- a. The site plan shall also identify all emergency doors, transformers, bollards, and miscellaneous built out spaces behind Big Lots, shop building numbers 2 and 3, and the existing drugstore. (PW)
  - b. The site plan shall also identify the truck dock for Big Lots. (PW)
  - c. A Precise Grading Plan shall include the following improvements on the plan:
    - 1. Damaged curb, gutter and sidewalk along the Atlanta Avenue and Beach Boulevard (frontage road) frontages shall be removed and replaced per Public Works Standard Plan Nos. 202 and 207. (ZSO 230.84 and ADA) (PW)
    - 2. All new water meters shall be constructed in the public R-O-W adjacent to the frontage road. All existing water meters currently located at the building shall be relocated to the public R-O-W adjacent to the frontage road. ("Master metering" of individual meters of multiple businesses in the same building shall be allowed.) Backflow protection devices on new and relocated meters shall be constructed immediately adjacent to the meter. All backflow prevention devices shall be prohibited in the front yard setback and shall be screened from view. (PW)
  - d. Developer shall secure or provide evidence of applicable public utility easement documentation for all new and existing public water facilities crossing private property. (PW)

3. The proposed curb cut and access opening to the development between Beach Boulevard and the frontage road shall only be allowed if the applicant submits an acceptable design for the review and approval by the Public Works Department. All costs associated with the curb cut and access opening shall be the responsibility of the applicant. (PW)
4. Except as identified in Conditions of Approval 2.c.1, 2.c.2, and 3, no encroachment into the frontage road shall be allowed. Encroachments include the driveway at the southwest corner of the property, curb, gutter, pavement, landscaping, lighting, or signage. (ED)
5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**MINUTES**  
**HUNTINGTON BEACH OFFICE OF THE ZONING ADMINISTRATOR**  
**Room B-8 - Civic Center**  
**2000 Main Street**  
**Huntington Beach California**

**DRAFT**

**WEDNESDAY, DECEMBER 10, 2008 - 1:30 P.M.**

**ZONING ADMINISTRATOR:** Ricky Ramos

**STAFF MEMBER:** Andrew Gonzales, Tess Nguyen, Jill Arabe, Rami Talleh,  
Kimberly De Coite (recording secretary)

**MINUTES:** September 24, 2008  
October 22, 2008  
**APPROVED AS SUBMITTED**

**ORAL COMMUNICATION:** **NONE**

**ITEM 1: ENTITLEMENT PLAN AMENDMENT NO. 2008-009 (SARTOR RESIDENCE-AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 2007-009; CONDITIONAL USE PERMIT NO. 2007-040)**

**APPLICANT:** Walter Heim  
**PROPERTY OWNER:** Gary and Milly Sartor, 16136 Tortola Circle, Huntington Beach, CA 92649  
**REQUEST:** An entitlement plan amendment to permit the demolition of an existing two-story, attached residential unit and construction of a new 2,547 sq. ft. three-story, attached unit within a Planned Unit Development. The Infill Lot Ordinance encourages adjacent property owners to review proposed development for compatibility/privacy issues, such as window alignments, building pad height, and floor plan layout.  
**LOCATION:** 16136 Tortola Circle, 92649 (south of Edinger Avenue, between Trinidad and Bimini Lanes- Huntington Harbour)  
**PROJECT PLANNER:** Andrew Gonzales

Andrew Gonzales, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing use of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Mr. Gonzales stated that staff had received no inquiries regarding the project. Mr. Gonzales stated that the Homeowners Association had approved the project.

Mr. Ramos reviewed the plans with Mr. Gonzales.

**THE PUBLIC HEARING WAS OPENED.**



Gary Sartor, property owner, stated that he had no comments or concerns about the request.

**THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mr. Ramos stated that, based on the information provided, he could approve the request as recommended by staff.

**ENTITLEMENT PLAN AMENDMENT NO. 2008-009 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project is located within an urbanized residential zone and involves the construction of a new single-family dwelling.

**FINDING FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 2008-009 (AMENDMENT TO COASTAL DEVELOPMENT PERMIT NO. 2007-009):**

1. Entitlement Plan Amendment No. 2008-009 to permit the demolition of an existing two-story, attached residential unit and construction of a new 2,547 sq. ft. three-story, attached unit within a Planned Unit Development, conforms to the General Plan, including the Local Coastal Program Land Use designation of Residential Low-Density. The proposed project is consistent with Coastal Element Land Use Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposal is a new attached residential unit on a site developed with other attached housing units.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project complies with all applicable development regulations, including maximum building height, minimum yard setbacks, and minimum on-site parking.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed addition will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roads.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views to coastal resources.

**FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 2008-009 (AMENDMENT TO CONDITIONAL USE PERMIT NO. 2007-040):**

1. Entitlement Plan Amendment No. 2008-009 to permit the demolition of an existing two-story, attached residential unit and construction of a new 2,547 sq. ft. three-story, attached unit within a Planned Unit Development will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed residential unit is compatible with the existing planned unit condominium development. The unit matches the building heights, setbacks, exterior finishes, and colors of the adjoining attached units. The unit complies with the requirements of the Zoning & Subdivision Ordinance and requires no additional on-site parking. The proposed unit will result in a negligible increase from the existing building envelope and overall floor area. The proposed unit is not anticipated to create a detriment as it is consistent with previously approved improvements in the surrounding area.
2. The entitlement plan amendment will be compatible with surrounding uses because the proposed residential unit will not significantly alter the design, size, or massing from the existing dwelling. The proposed unit will not increase the overall height above the existing dwelling and is designed to match the materials and colors of the attached dwelling units.
3. The proposed Entitlement Plan Amendment No. 2008-009 will also comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, including maximum building height, minimum yard setbacks, maximum site coverage and minimum on-site parking.
4. The granting of the entitlement plan amendment will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7 (Residential Low-Density – maximum 7 units per acre) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 9.2.1: Require that all new residential development within existing neighborhoods be compatible with existing structures, including the:

LU 9.2.1b: Use of building heights, grade elevations, orientation, and bulk that are compatible with surrounding development.

LU 9.2.1c: Maintenance of privacy on abutting residence.

The proposed dwelling unit will be constructed to maintain the height of the existing dwelling. The new unit will be constructed largely within the existing volume of the residence and will feature a roof pitch which closely matches the existing roof, thus maintaining compatibility with structures in the complex. Windows in the proposed addition are oriented toward the street and the harbor channel, and consequently will have no detrimental impact to the privacy of abutting residences.

#### **CONDITIONS OF APPROVAL - ENTITLEMENT PLAN AMENDMENT NO. 2008-009:**

1. The site plan, floor plans, and elevations received and dated October 26, 2007 shall be the conceptually approved design.
2. Incorporating sustainable or “green” building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green

Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**ITEM 2: CONDITIONAL USE PERMIT NO. 2008-013; VARIANCE NO. 2008-007 (BEACH PROMENADECOMMERCIAL CENTER)**

APPLICANT: Mike Adams  
PROPERTY OWNER: Bijian Sassounian, 21190 Beach Boulevard, Huntington Beach, CA 92648  
James Diebold, PNS Stores, Inc., 300 Phillip Road, Columbus, OH 43228  
Sigma Enterprises, Inc., 111 S. Kraemer Boulevard #C, Brea, CA 92821  
REQUEST: **CUP:** To permit the construction of two additions totaling approximately 5,870 sq. ft. to an existing commercial/retail shopping center. **VAR:** To allow 340 parking spaces in lieu of the minimum required 380 parking spaces (40 space reduction).  
LOCATION: 21022-21190 Beach Boulevard, 92648 (southeast corner of Beach Boulevard and Atlanta Avenue)  
PROJECT PLANNER: Tess Nguyen

Tess Nguyen, Associate Planner, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the subject sites. Staff presented an overview of the proposed project and the suggested findings for approval as presented in the executive summary.

Ms. Nguyen stated that staff had received one letter in opposition to the parking variance. Ms. Nguyen also stated that the applicant does not concur with several conditions of approval and applicable code requirements.

Mr. Ramos verified with staff that the proposed building additions are only requested for specific portions of the center. He confirmed with staff that the cumulative parking requirements were being met.

**THE PUBLIC HEARING WAS OPENED.**

Bill Holman, applicant, thanked staff for their thoroughness. He asked if Mr. Ramos had received his letter, dated December 9, 2008. Mr. Ramos confirmed that he had received the letter and had reviewed it with staff.

Mr. Holman stated that the frontage road prevented the applicant from meeting some of the parking and landscape requirements the city normally places on a retail center. He stated that the number of parking spaces at the center would increase from 274 to approximately 334 spaces but would not be sufficient to meet the code requirements. He asked that there be some flexibility in the number of spaces as the final design of the project is not completed and there may be changes to the number of parking spaces.

Mr. Holman requested relief from Condition No. 1(b), as the property in question is not owned by Mr. Sassounian. Mr. Holman stated that he would be willing to work with the Fire Department to provide adequate turn around space but that the applicant could not make any physical changes to the building in question.

Mr. Holman requested that Condition No. 1(c) be clarified to allow the flexibility to use potted plants in lieu of hard landscaping, which he indicated had been discussed in the meeting with the Design Review Board. He also asked the Condition No. 1(d) be clarified to note that portion of the site between the Rite Aid building and the adjacent building is an open loading dock and not building area.

Mr. Holman stated that his greatest concerns were Condition Nos. 2(c), 3 and 4, which would prohibit the requested new access point along Beach Boulevard through the frontage road. He indicated that an access point along Beach Boulevard would be beneficial to northbound traffic as well as traffic exiting the center. He stated that the traffic analysis noted no significant negative or positive impacts on traffic from this proposal which he believes indicates that the additional access point should be allowed.

Mr. Holman stated that the Economic Development Department suggested condition of approval prohibiting any encroachments or improvements to the frontage road was in direct conflict with the Public Works Department suggested conditions of approval requiring improvements to the public right-of-way. He asked that this conflict be addressed and resolved.

Mr. Holman asked that that Condition Nos. 3 and 4 be removed.

Mr. Holman asked for clarification of Condition No. 2(c)(2) regarding the replacement of water meters. He believed that only two meters serving the buildings being modified would need to be replaced and requested that the remaining existing meters stay in their current condition.

Mr. Holman stated that Condition No. 2(c)(2) requires backflow devices to be placed outside of the frontyard setback. He stated that this would force them to be placed in the public right-of-way. He indicated that he would like to install the devices in the landscaped frontyard setback.

Mr. Holman began discussing a code requirement to replace the eight inch water line with a twelve inch water line. He indicated that this requirement would be a significant expense. He would like the option to prove that the eight inch water line provides sufficient capacity.

Mr. Ramos stated that this item was a code requirement. Steve Bogart, Public Works Department Senior Civil Engineer, confirmed this. Mr. Ramos stated that it was not in the Zoning Administrator's purview to waive code requirements. Mr. Holman asked if those items could be appealed. Ms. Nguyen stated the code requirement letter was sent on November 11, 2008 to the applicant and it indicated that code requirements may be appealed to the Planning Commission.

Mr. Ramos stated that the publication of a legal notice is required for any request to alter the number of parking spaces. He indicated that if an additional parking variance is requested for the project then it would need to be addressed at a future public hearing. He indicated that Mr. Holman could ask for a continuance if he wished to modify the request.

Mr. Ramos stated that Condition No. 1(b) was also a code requirement. He asked if Fire Department staff had a chance to review the comments from Mr. Holman. Darin Maresh, Fire Development Specialist, indicated that he had reviewed Mr. Holman's comments. He stated that after reviewing the Fire Code and city specifications, the redesign of the building layout and increase of square footage is subject to compliance with the Fire Code. Mr. Maresh reviewed Section 17.56.110 of the Fire Code, indicating that it specifies that Condition No. 1(b) is required.

Mr. Ramos asked the applicant to confirm that he needed clarification on Condition No. 1(c). Mr. Holman noted that there was a discussion at the Design Review Board meeting regarding allowing potted plants in lieu of hard landscaping and Mr. Holman did not feel that allowance was accounted for in Condition No. 1(c).

Mr. Bogart indicated that the City Landscape Architect was in support of allowing potted plants.

Kellee Fritzel, Deputy Director of Economic Development, stated that the Public Works Department's requirements for curb repair were acceptable within the frontage road. Mr. Ramos asked for the reasoning behind Condition No. 4. She stated that the purpose of Condition No. 4 was to prevent encroachment upon the frontage road as it is in use and indicated Economic Development Department staff had discussed Condition No. 4 with Public Works Department staff.

Mr. Ramos asked staff for the rationale for Condition No. 3 since the analysis provided by LSA did not indicate a significant negative impact on traffic. Daren Sam, Senior Traffic Engineer, stated that the applicant did not submit a plan that staff felt they could support.

Mr. Ramos asked staff if Condition No. 3 was a code requirement. Mr. Sam indicated that it was not. Mr. Ramos stated that he understood why the driveway was being requested. He asked if staff would be opposed to a modified condition that would require the applicant to provide additional analysis to allow staff to support the driveway request or if staff felt the driveway request could not be justified.

Mr. Sam indicated that staff believed the intersection at Beach Boulevard and Atlanta Avenue provided an acceptable level of service to the site and that the site can function without the additional access point within the frontage road.

Mr. Ramos asked if it would be possible for the applicant to provide a design that would potentially be supportable by staff even if staff felt the additional driveway was not needed. Mr.

Bogart indicated that he would not be able to answer either way without seeing specific plans. Mr. Ramos asked if there was anything in the traffic analysis that convinced staff that there was no way the driveway could be supported. Mr. Sam stated that staff could not support the additional driveway due to the proposed design submitted to staff.

Mr. Ramos asked if encroachments on frontage roads had been allowed on previous requests. Ms. Fritzal indicated that she did not know. Mr. Bogart stated that he was not aware of any.

Mr. Holman stated the response from staff indicated that the driveway along the frontage road would not be considered at all. He stated that he would appreciate it if staff would be willing to look at alternative designs.

Meghan Macias, LSA Associates, stated that the traffic analysis looked at the potential level of service to the proposed driveway. She indicated that most of the traffic turning on to the frontage road from Atlanta Avenue was entering the shopping center. She stated that it would be helpful to know the specific concerns from Public Works staff in order to further examine the site. She indicated that the analysis concluded that there would not be significant impact to the traffic flow from the addition of an access point across the frontage road.

Mr. Ramos clarified that Mr. Holman would like to limit Condition No. 2(c)(2) to only the new buildings. Mr. Holman confirmed this and stated that he did not want the project to impact the other property owners at the site.

Mr. Ramos asked staff if Condition No. 2(c) has been applied to similar projects. Mr. Bogart stated that the condition was consistent with past projects. Mr. Ramos confirmed with staff that Condition No. 2(c)(2) is a condition not a code requirement.

Dan Schaeffer, 7971 Moonmist Circle, asked for details on the project. Ms. Nguyen briefly summarized the request.

Mr. Schaeffer asked if the City owned the frontage road. Ms. Nguyen confirmed that the City owns the frontage road. Mr. Schaeffer asked what was the purpose of the frontage road. Mr. Ramos indicated that the road may be a remnant of Cal Trans freeway plans. Mr. Schaeffer stated that it is a traffic hazard and did not serve a purpose. He stated that the current site is an eyesore.

Jeanie Reed, 8126 Deerfield Drive, asked if the applicant proposes to improve the appearance of the shopping center. Mr. Ramos indicated that there would be extensive façade improvements throughout the site. She asked if the addition would be to the front or back. Ms. Nguyen stated that the Bank of America building would have additions to the front and side and the Rite Aid building would have a rear addition. Ms. Reed expressed concern that the vehicles would not have enough room to the rear of the site. Mr. Holman stated that the buildings would be no closer to the flood control channel than existing buildings and access would not be affected.

Ms. Reed stated that the frontage road is used as a racetrack by drivers and that it is dangerous. She stated that she would prefer that the frontage road area become a portion of the site parking lot.

Robin Taylor, 21326 Ashburn Circle, asked for clarification on the parking variance. Mr. Ramos stated that variance would be for forty spaces. Ms. Taylor stated that parking was at a premium

at the site, particularly during the summertime. She suggested using the access for the Breakers Apartments instead of creating an access across the frontage road. There was a brief discussion on the different entrances to the site and frontage road.

**THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mr. Ramos stated that he was inclined to modify Condition No. 3 to enable the applicant to submit further information in order to create a design that would be acceptable to staff. He stated that the Public Works Department would retain the power to approve the entrance through the frontage road.

Mr. Ramos considered a modification to Condition No. 4 so that it would exclude the improvements required by the Public Works Department.

Mr. Holman asked for clarification on Condition No. 4 regarding the driveway on the southwest corner. Mr. Ramos asked staff if he was correct in thinking that Condition No. 4 requiring the removal of the southwest corner driveway. Mr. Sassounian stated that would create a legal issue by landlocking his parcel. Mr. Holman stated that the city had constructed encroachments that deny access to that driveway.

Simone Slifman, Economic Development Project Manager, stated the condition was intended to prevent that driveway from being reopened.

Mr. Ramos reviewed his modification to Condition No. 3. Mr. Sassounian requested that Mr. Ramos include the word "reasonable" into the condition. Mr. Ramos indicated that he would attempt to word the condition to allow for that. Mr. Holman stated that he would like to make sure that staff would not reject any proposed designs without proper consideration. Mr. Ramos asked staff if they were comfortable with the proposed modifications.

Bob Stachelski, Transportation Manager, stated that Condition No. 4 would make any approvals highly unlikely. Mr. Ramos asked staff if they would allow for a modification to Condition No. 4 to include an exception to Condition No. 3. He stated that he would like the applicant to have the opportunity to submit a design.

Mr. Ramos clarified with Public Works staff that the intent of Condition No. 2(c)(2) was to locate the backflow device as close to the meter as possible without interfering with the public right-of-way. Mr. Sam confirmed this. Mr. Ramos stated that Condition No. 2(c)(2) would not be modified.

Mr. Ramos stated that he would approve the request with minor changes to the findings and the previously stated modifications to the conditions as well as additional modifications to the language of Condition No. 1(a) and adding Condition No. 1(g) requiring the loading dock door to be more decorative than the typical industrial door.

**CONDITIONAL USE PERMIT NO. 2008-013; VARIANCE NO. 2008-007 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING MODIFIED FINDINGS AND MODIFIED CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY**

**THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION  
WITHIN TEN (10) CALENDAR DAYS.**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because the proposed project consists of an addition of less than 10,000 sq. ft. of floor area to existing structures on a site where public services and facilities are available and the surrounding area is not environmentally sensitive.

**FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 2008-013:**

1. Conditional Use Permit No. 2008-013 to permit the construction of two additions totaling approximately 5,870 sq. ft. to an existing commercial/retail shopping center will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The subject property is designated for commercial general development under the General Plan. The proposed project is consistent with the permitted uses and development standards within this designation. Residential uses are located approximately 115 feet to the north across Atlanta Avenue, 105 feet to the east across the flood channel, and 75 feet to the south. Since the activity areas on the site, including parking areas and building entrances, are oriented toward Beach Boulevard, the residential properties are sufficiently buffered. The proposed project will not generate significant noise, odors, traffic above levels already established by existing uses on site.
2. The conditional use permit will be compatible with surrounding uses because the proposed project is a minor expansion and façade remodel of an existing neighborhood shopping center. The proposed building is designed with colors and materials that complement surrounding residential neighborhoods by incorporating enhanced architectural details and materials such as tile roofs, plaster exterior finishes, trellises, awnings, and Mediterranean colors.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance, except for the parking variance approved concurrently. The project complies with land use limitations, minimum landscaping and building setbacks and maximum floor area ratio, among others.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CG-F1 (Commercial General – 0.35 maximum floor area ratio) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

LU 7.1.1: Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.



LU 10.1.1: Accommodate the development of neighborhood, community, regional, office and visitor-serving commercial uses in areas designated on the Land Use Plan in accordance with Policy 7.1.1.

LU 10.1.4: Require that commercial buildings and sites be designed and developed to achieve a high level of architectural and site layout quality.

ED 2.4.1 – Encourage and assist existing and potential commercial owners to modernize and expand their commercial properties.

The proposed project consists of additions to an existing neighborhood commercial/retail shopping center in an area designated for commercial uses on the Land Use Plan. The addition will facilitate the expansion and introduction of businesses such as a grocery store and drug store intended to serve the surrounding residential neighborhood. The project design features quality architecture and exterior finish materials (plaster and decorative metal elements), a variety of roof lines and façade treatments, and a functional site layout with efficient access from parking areas to building entrances. The project will improve the existing building façades and modernize the shopping center.

#### **FINDINGS FOR APPROVAL - VARIANCE NO. 2008-007:**

1. The granting of Variance No. 2008-007 to allow 340 parking spaces in lieu of the minimum required 380 parking spaces will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. This represents a 40-space (10.5%) reduction in the required number of parking spaces. In the past, the City has allowed comparable reduction in the parking requirement for other similarly sized shopping centers in the same zoning classification through conditional use permits.
2. Because of special circumstances applicable to the subject property, including size, shape, location or surroundings, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The variance will not constitute a grant of special privilege because the project site presents a special circumstance (an existing frontage road adjacent to the property) which is inconsistent with the limitations on other properties and which is remedied, in part, by the granting of the requested variance. The project site is encumbered by a frontage road adjacent to the site that rendered the site narrow and long as compared to other shopping centers with similar mix of tenants along Beach Boulevard and Edinger Avenue. This frontage road represents a constraint to development of the site, absent which additional parking spaces may be provided on site to meet the code required minimum.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variance is necessary to offset a unique constraint to development represented by an existing frontage road adjacent to the property, absent which the property could accommodate the additional parking spaces needed for code compliance. In addition, the variance is needed to enjoy the substantial property right of improving and expanding the existing center to create a commercially viable shopping center with neighborhood uses such as a market, a drug store, restaurants, and personal services. In doing so, this center is able to compete with other shopping centers in the vicinity.

4. The granting of the variance will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan. The proposed addition and remodel allows the existing commercial buildings to be designed and developed to achieve a high level of architectural and site layout quality. The parking area is designed to maximize the use of site while providing for efficient and convenient site access and internal circulation. To substantiate the reduction in the parking requirement, the applicant submitted the Access and Parking Analysis, prepared by LSA Associates, Inc. (August 2008). The total parking demand for the site would be 263 parking spaces based on parking surveys of the site and the parking requirement in the Huntington Beach Zoning and Subdivision Ordinance. The total number of parking proposed to be provided is 340 spaces. Since the parking demand is less than the parking provided onsite, the reduction in parking is not anticipated to generate overflow parking within the adjacent residential neighborhoods. Accordingly, the requested reduction in parking will not have a detrimental impact on surrounding property owners. The variance will accommodate new development in accordance with the General Plan Land Use and Density Schedule.

**CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 2008-013/ VARIANCE 2008-007:**

1. The site plan, floor plans, and elevations received and dated September 23, 2008 shall be the conceptually approved design with the following modifications:
  - a. Plans shall be revised to be consistent with the approval by the Design Review Board on August 18, 2008 including the following modifications: **(DRB)**
    - i. Provide a plaza/courtyard to create a pedestrian friendly environment onsite.
    - ii. Provide the following walkways onsite to accommodate pedestrian traffic: 1) a walkway along the front of the buildings from Atlanta Avenue to the southerly property line and 2) a walkway along the main vehicular entrance to the site from the frontage road to the buildings.
    - iii. Provide textured pedestrian walkways across vehicular driveways to define the pedestrian paths from parking areas to primary building entrances.
    - iv. Incorporate public art into the project. A public art element, approved by the Design Review Board, Director of Planning, and Director of Huntington Beach Art Center, shall be designated on the plans. Public Art shall be innovative, original, and of artistic excellence; appropriate to the design of the project; and reflective of the community's cultural identity (ecology, history, or society). The art work shall be installed within two years of project approval.
    - v. Provide additional color variation and architectural elements such as wainscoting to enhance the market and Big Lots building elevations.
  - b. The site plan shall be revised to comply with all Fire Department requirements. Specifically, fire access roads shall comply with City Specification #401 either by

providing a hammerhead turn-around or cutting through existing shop building number 2. **(FD)**

- c. Landscaping shall be provided in areas between the 10-foot wide enhanced paving walkway and the parking areas in front of shop building number 3.
- d. The site plan shall identify the intended use of the space between the existing drugstore and shop building number 3 and the space behind shop building number 3. **(PW)**
- e. The proposed market expansion area behind the existing shops shall be redesigned as to not create a dead end walkway that is vulnerable to undesirable activities and crime. **(PD)**
- f. The proposed stand-alone ATM shall be relocated to a different area on the site that allows more visibility and safety when the stores are closed. **(PD)**
- g. The loading door facing Beach Boulevard shall have a decorative design compatible with the building elevation to the approval of Planning staff.

2. Prior to issuance of grading permits, the following shall be completed:

- a. The site plan shall also identify all emergency doors, transformers, bollards, and miscellaneous built out spaces behind Big Lots, shop building numbers 2 and 3, and the existing drugstore. **(PW)**
- b. The site plan shall also identify the truck dock for Big Lots. **(PW)**
- c. A Precise Grading Plan shall include the following improvements on the plan:
  - 1. Damaged curb, gutter and sidewalk along the Atlanta Avenue and Beach Boulevard (frontage road) frontages shall be removed and replaced per Public Works Standard Plan Nos. 202 and 207. (ZSO 230.84 and ADA) **(PW)**
  - 2. All new water meters shall be constructed in the public R-O-W adjacent to the frontage road. All existing water meters currently located at the building shall be relocated to the public R-O-W adjacent to the frontage road. ("Master metering" of individual meters of multiple businesses in the same building shall be allowed.) Backflow protection devices on new and relocated meters shall be constructed immediately adjacent to the meter. All backflow prevention devices shall be prohibited in the front yard setback and shall be screened from view. **(PW)**
- d. Developer shall secure or provide evidence of applicable public utility easement documentation for all new and existing public water facilities crossing private property. **(PW)**

3. The proposed curb cut and access opening to the development between Beach Boulevard and the frontage road shall only be allowed if the applicant submits an acceptable design for the review and approval by the Public Works Department. All costs associated with the curb cut and access opening shall be the responsibility of the applicant. **(PW)**

4. Except as identified in Conditions of Approval 2(c)(1), 2(c)(2), and 3, no encroachment into the frontage road shall be allowed. Encroachments include the driveway at the southwest corner of the property, curb, gutter, pavement, landscaping, lighting, or signage. **(ED)**
5. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

#### **INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

#### **ITEM 3: COASTAL DEVELOPMENT PERMIT NO. 2008-020 (BLUFF TOP PARK RESTROOMS)**

|                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| APPLICANT:       | City of Huntington Beach, Community Services Department                                                                                                                                                                                                                                                                                                                                                                                          |
| PROPERTY OWNER:  | State of California, Department of Parks and Recreation, 3030 Avenida del Presidente, San Clemente, CA 92672                                                                                                                                                                                                                                                                                                                                     |
| REQUEST:         | To permit the construction of seven detached restroom buildings ranging in size from 70 sq. ft. to 140 sq. ft. The project also includes the installation of one handicap accessible ramp, the upgrade of an existing ramp in compliance with the Americans with Disabilities Act standards, and the resurfacing of approximately 4,000 linear ft. of a ten foot wide asphalt path for handicap accessibility to four of the restroom buildings. |
| LOCATION:        | 913 Pacific Coast Highway, 92648 (ocean side of Pacific Coast Highway, between 9th Street and Seapoint Street- Bluff Top Park)                                                                                                                                                                                                                                                                                                                   |
| PROJECT PLANNER: | Jill Arabe                                                                                                                                                                                                                                                                                                                                                                                                                                       |

Jill Arabe, Planning Aide, displayed project plans and photographs and stated the purpose, location, zoning, and existing uses of the subject site. Staff presented an overview of the proposed project and the suggested findings and conditions of approval as presented in the executive summary.

Ms. Arabe stated that the application was reviewed by the Design Review Board, which recommended that the roofs of the restrooms match the designs of the restrooms located at South Beach in terms of roof material.

Ms. Arabe stated that one public comment was received regarding the installation of drinking fountains and showers alongside the restrooms and forwarded the comment to the applicant. She stated that showers are proposed with the restrooms if construction allows access to the sewer line and pipe systems. She stated that if the restrooms are required to use individual vault systems than showers would then be addressed in a future proposal. She stated that drinking fountains are not included in the proposal.

Mr. Ramos asked staff if the current surrounding walkways would be maintained. Ms. Arabe verified this and stated that there is already access through the existing path.

**THE PUBLIC HEARING WAS OPENED.**

Dave Dominguez, Manager of Facilities, Development, and Concessions, indicated that he had no comments or concerns.

**THERE WERE NO OTHER PERSONS PRESENT TO SPEAK FOR OR AGAINST THE REQUEST AND THE PUBLIC HEARING WAS CLOSED.**

Mr. Ramos stated that, based on the information provided, he would approve the request as recommended by staff.

**COASTAL DEVELOPMENT PERMIT NO. 2008-020 WAS APPROVED BY THE ZONING ADMINISTRATOR WITH THE FOLLOWING FINDINGS AND CONDITIONS OF APPROVAL. STAFF STATED THAT THE ACTION TAKEN BY THE ZONING ADMINISTRATOR MAY BE APPEALED TO THE PLANNING COMMISSION WITHIN TEN (10) WORKING DAYS.**

**FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15303 of the CEQA Guidelines, because the project consists of the construction of small structures where necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

**FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-020:**

1. Coastal Development Permit No. 2008-020 for the development project, as proposed, conforms with the General Plan, including the Local Coastal Program. The project is consistent with the Coastal Element Goals and Policies:
  - C 1.2.1: Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule Table C-1.
  - C 4.2.2: Require that the massing, height, and orientation of new development be designed to protect public coastal views.

- C 3.1.1: Prohibit development of permanent above ground structures on the beach sand area with the exception of public restrooms and beach concession stands when located immediately adjacent to paved parking or access areas.

The project will consist of replacing existing portable restrooms with permanent restroom structures. Access to the restrooms will be maintained to include an upgrade of an existing ramp in compliance with Americans with Disabilities Act (ADA) standards, and installation of a new handicap accessible ramp. The proposed restrooms will be located along an existing oil service road. The existing service road will be resurfaced with a width of 10-feet and approximate length of 4,000 feet for handicap accessibility. Four of the seven restrooms, between 9<sup>th</sup> Street and Goldenwest Street, will be situated below the bluff and will not impede on coastal views. They will be oriented towards the beach and will match in roof design to existing restrooms north and south of the pier. The restrooms will not encroach into the sandy area of the beach. Three of the seven restrooms, north of Goldenwest Street, will be situated above the bluff and in close proximity to parking lot areas. They will not be located within landscaped areas. The restrooms above the bluff will consist of single-stall restrooms as opposed to double-stall restrooms, as proposed for the restrooms, south of Goldenwest Street.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The proposed restrooms are permitted as ancillary development to publicly owned coastal beaches. The structures will not encroach onto the sandy beach and will be designed with materials to withstand the beach environment. The structures will comply with development standards including setbacks and building height.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project will be constructed on a developed park with access to existing utilities including sewer, water, and roads.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access or impact public views. Existing and upgraded paths and ramps in compliance with current ADA standards will provide accessibility to the restrooms. The structures south of Goldenwest Street will be below the bluff and minimally visible from the street. The structures north of Goldenwest Street will be visible, but provide minimal impact to public views because the structures are smaller in size and screened with landscaping. The distance between restrooms is approximately 1,400 feet.

**CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 2008-020 :**

1. The site plan, floor plans, and elevations received and dated October 15, 2008 shall be the conceptually approved design with the modification that the proposed roof shall match the tile roof of existing restrooms located south of the pier.
2. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's

Green Building Guidelines and Rating Systems  
(<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

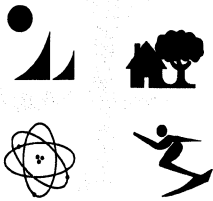
The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**THE MEETING WAS ADJOURNED AT 2:38 PM TO THE NEXT REGULARLY SCHEDULED MEETING ON WEDNESDAY, DECEMBER 17, 2008 AT 1:30 PM.**

---

Ricky Ramos  
Zoning Administrator

RR:kdc



# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING

November 11, 2008

Mike Adams  
21190 Beach Boulevard  
Huntington Beach CA 92648

**SUBJECT: CONDITIONAL USE PERMIT NO. 08-013, DESIGN REVIEW NO. 08-013,  
AND VARIANCE NO. 08-007  
(BEACH PROMENADE)—21022-21190 BEACH BOULEVARD  
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

Dear Mr. Adams:

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Zoning Administrator. Please note that if the design of your project or if site conditions change, the list may also change based upon modifications to your project and the applicable city policies, standard plans, and development and use requirements.

The attached project implementation code requirements may be appealed to the Planning Commission as a matter separate from the associated entitlement(s) within ten calendar days of the approval of the project pursuant to the Huntington Beach Zoning and Subdivision Ordinance Section 248.24. The appeal fee is \$494.00.

If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-374-1744 ([tnguyen@surfcity-hb.org](mailto:tnguyen@surfcity-hb.org)) and/or the respective source department (contact person below).

Sincerely,

TESS NGUYEN  
Associate Planner

Enclosures

cc: Gerald Caraig, Building & Safety Department – 714-374-1575  
Darin Maresh, Fire Department – 714-536-5531  
Kellee Fritzal, Economic Department – 714-374-1519  
Herb Fauland, Planning Manager  
Bijian Sassounian, Property Owner  
James Diebold, PNS Stores, Inc., Property Owner

Steve Bogart, Public Works – 714-536-5431  
Ken Small, Police – 714-536-5902  
Jason Kelly, Planning Department  
Project File  
Sigma Enterprises, Inc., Property Owner





## **CITY OF HUNTINGTON BEACH**

### **PROJECT IMPLEMENTATION CODE REQUIREMENTS**

**DATE:** NOVEMBER 11, 2008

**PROJECT NAME:** BEACH PROMENADE

**PLANNING APPLICATION NO.:** PLANNING APPLICATION NO. 08-062 AND 08-167

**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 08-013; DESIGN REVIEW NO. 08-013; VARIANCE NO. 08-007

**DATE OF PLANS:** SEPTEMBER 23, 2008

**PROJECT LOCATION:** 21022-21190 BEACH BOULEVARD, HUNTINGTON BEACH

**PLAN REVIEWER:** TESS NGUYEN, ASSOCIATE PLANNER

**TELEPHONE/E-MAIL:** (714) 374-1744/ tnguyen@surfcity-hb.org

**PROJECT DESCRIPTION:** TO PERMIT A 5,870 SQ. FT. ADDITION AND AN EXTERIOR MODIFICATION OF AN EXISTING SHOPPING CENTER; THE PROJECT ALSO INCLUDES A VARIANCE FOR A 38-PARKING SPACE REDUCTION FOR THE BUILDING ADDITION.

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The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated September 23, 2008. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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1. The site plan, floor plans, and elevations approved by the Zoning Administrator shall be the conceptually approved design with the following modifications:
  - a. Plans shall be revised to be consistent with the approval by the Design Review Board on August 18, 2008.
  - b. Parking lot striping shall comply with Chapter 231 of the Zoning and Subdivision Ordinance and Title 24, California Administrative Code.
  - c. Depict all utility apparatus, such as but not limited to, back flow devices and Edison transformers on the site plan. Utility meters shall be screened from view from public right-of-ways. Electric transformers in a required front or street side yard shall be enclosed in subsurface vaults. Backflow prevention devices shall be prohibited in the front yard setback and shall be screened from view.
  - d. All exterior mechanical equipment shall be screened from view on all sides. Rooftop mechanical equipment shall be setback a minimum of 15 feet from the exterior edges of the building. Equipment to be screened includes, but is not limited to, heating, air

conditioning, refrigeration equipment, plumbing lines, ductwork and transformers. Said screening shall be architecturally compatible with the building in terms of materials and colors. If screening is not designed specifically into the building, a rooftop mechanical equipment plan showing proposed screening must be submitted for review and approval with the application for building permit(s).

- e. Depict the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items on the site plan and elevations. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas and comply with required setbacks.
  - f. All parking area lighting shall be energy efficient and designed so as not to produce glare on adjacent residential properties. Security lighting shall be provided in areas accessible to the public during nighttime hours, and such lighting shall be on a time-clock or photo-sensor system. (HBZSO 231.18(C))
  - g. Project data information shall include the flood zone, base flood elevation and lowest building floor elevation(s) per NAVD88 datum.
  - h. Bicycle parking facilities shall be provided in accordance with the provisions of HBZSO Section 231.20 – *Bicycle Parking*.
2. Prior to issuance of demolition permits, the following shall be completed:
    - a. The applicant shall follow all procedural requirements and regulations of the South Coast Air Quality Management District (SCAQMD) and any other local, state, or federal law regarding the removal and disposal of any hazardous material including asbestos, lead, and PCB's. These requirements include but are not limited to: survey, identification of removal methods, containment measures, use and treatment of water, proper truck hauling, disposal procedures, and proper notification to any and all involved agencies.
    - b. Pursuant to the requirements of the South Coast Air Quality Management District, an asbestos survey shall be completed.
    - c. The applicant shall complete all Notification requirements of the South Coast Air Quality Management District.
    - d. The City of Huntington Beach shall receive written verification from the South Coast Air Quality Management District that the Notification procedures have been completed.
    - e. All asbestos shall be removed from all buildings prior to demolition of any portion of any building.
  3. Prior to issuance of grading permits, the following shall be completed:
    - b. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-ft radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning Department.
    - c. Blockwall/fencing plans (including a site plan, section drawings and elevations, depicting the height and material of all retaining walls, freestanding walls and fences) consistent with the grading plan, shall be submitted to and approved by the Planning Department.

Double walls shall be prohibited. Prior to construction of any new property line walls or fences, a plan, approved by the owners of adjacent properties, and identifying the removal of any existing walls, shall be submitted to the Planning Department for review and approval. The plans shall identify proposed wall and fence materials, seep holes and drainage.

4. Prior to submittal for building permits, the following shall be completed:
  - a. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted for review, approval and inclusion in the entitlement file, to the Planning Department.
  - b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Fire and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
5. During demolition, grading, site development, and/or construction, the following shall be adhered to:
  - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
  - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
  - c. Truck idling shall be prohibited for periods longer than 10 minutes.
  - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
  - e. Discontinue operation during second stage smog alerts.
  - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
  - g. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays.
6. The new structure(s) cannot be occupied and the final building permit(s) cannot be approved until the following has been completed:
  - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
  - b. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to Planning Department.
  - c. All existing signs which do not conform with Chapter 233 - Signs of the Huntington Beach Zoning & Subdivision Ordinance shall be removed or modified to conform.
  - d. Compliance with all conditions of approval specified herein shall be verified by the Planning Department.

- e. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
  - f. An "as built" Elevation Certificate certifying the lowest floor and mechanical equipment for each building, or a Letter of Map Revision issued by the Federal Emergency Management Agency (FEMA), shall be submitted to the Planning Department.
  - g. A Certificate of Occupancy must be approved by the Planning Department and issued by the Building and Safety Department.
7. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.
8. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.
9. Conditional Use Permit No. 08-013, Design Review No. 08-013, and Variance No. 08-007 shall not become effective until the ten calendar day appeal period following the approval of the entitlements has elapsed.
10. Conditional Use Permit No. 08-013, Design Review No. 08-013, and Variance No. 08-007 shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning Department a minimum 30 days prior to the expiration date.
11. The Zoning Administrator reserves the right to revoke Conditional Use Permit No. 08-013, Design Review No. 08-013, and Variance No. 08-007 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs.
12. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein.
13. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays.
14. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Zoning Administrator's approval of entitlements.

15. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission.
16. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs.
17. Live entertainment and/or outdoor dining in excess of 400 sq. ft. shall not be permitted unless a conditional use permit for this specific use is reviewed and approved. Outdoor dining occupying less than 400 sq. ft. is subject to Neighborhood Notification and approval by the Director of Planning.
18. Alcoholic beverage sales shall be prohibited unless a conditional use permit for this particular use is reviewed and approved.



**CITY OF HUNTINGTON BEACH  
BUILDING AND SAFETY DEPARTMENT  
PROJECT IMPLEMENTATION CODE REQUIREMENTS**

**DATE:** 10/14/2008  
**PROJECT NAME:** BEACH PROMENADE  
**ENTITLEMENTS:** PLANNING APPLICATION NO. 08-062: CONDITIONAL USE PERMIT NO. 08-013: DESIGN REVIEW NO. 08-013: VARIANCE NO. 08-007  
**DATE OF PLANS:** 09/23/2008  
**PROJECT LOCATION:** 21132 BEACH BOULEVARD, HUNTINGTON BEACH  
**PROJECT PLANNER:** TESS NGUYEN, ASSOCIATE PLANNER  
**PLAN REVIEWER:** EDWARD S. LEE, PLAN CHECKER II  
**TELEPHONE/E-MAIL:** (714) 374-1538 / ELEE@SURFCITY-HB.ORG  
**PROJECT DESCRIPTION:** TO PERMIT A 5,870 S.F. ADDITION AND AN EXTERIOR MODIFICATION OF AN EXISTING SHOPPING CENTER; THE PROJECT ALSO INCLUDES A VARIANCE FOR A 38-PARKING SPACE REDUCTION FOR THE BUILDING ADDITION

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The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated 09/23/2008. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. Electrical, plumbing, and mechanical items are not included in this review. If you have any questions regarding these comments, please contact the plan reviewer. Compliance is required prior to building permit issuance and all applicable items must meet the Huntington Beach Municipal Code (HBMC) and the California Code of Regulations (CCR or Title 24).

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**II. CODE ISSUES:**

**GENERAL:**

1. The codes in effect are the: 2007California Building Code ('07CBC), 2007California Plumbing Code ('07CPC), 2007California Mechanical Code ('07CMC), 2007California Electrical Code ('07CEC) and 2007California Energy Efficiency Standards as adopted by the City.
2. Plan submittal documents must include "Conditions of Approval" if applicable.
3. Provide complete architectural & structural plans (including calculation) prepared by a California registered architect/engineer with following items included (but, not limited to) for Building Department review under a building permit:

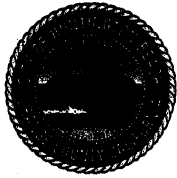
ATTACHMENT NO. 5.7

- a. Title 24 Disabled Access Regulations per Chapter 11B, CBC'07
  - b. Exit analysis per Chapter 10, CBC'07
  - c. Soil report prepared by a California registered geotechnical engineer
  - d. Automatic Fire-sprinkler system requirement for over 5,000 S.F.
  - e. Exterior wall & opening protection requirements per Chapter 7, CBC'07
4. A separate permit shall be required for mechanical, electrical & plumbing work with 2-sets of plans.
  5. A separate permit shall be required for new fences over 42" in height, new trash enclosure, new light poles, etc. if applicable, including exterior signage with 2-sets of plans.

**FEES:**

6. For budgeting purposes, the attached chart may be used to estimate the cost of construction fees based on the project valuation. The cost of construction permits required for other departments and trades are not included. Applicability of these project specific fees will be determined by the appropriate agencies upon review of the project.

Note that the fees calculated are an approximation of the actual fees based on the current fee ordinance and may be subject to change without notice. The final fees will be determined when an application is submitted.



## ESTIMATED PERMIT FEES

| THE FOLLOWING FEES DO NOT INCLUDE<br>ENTITLEMENT PROCESSING FEES AND TRAFFIC IMPACT FEES |                                                                                                                                     |               |
|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|---------------|
| Microfilm/Scanning of Plans                                                              | Each sheet of permitted drawings                                                                                                    | \$3.78        |
| Scanned Permits                                                                          | Each Permit issued                                                                                                                  | \$0.98        |
| <b>STATE OF CALIFORNIA TAX (SMIP)</b>                                                    |                                                                                                                                     |               |
| Residential                                                                              | Up to \$5,000 valuation – Fee amount is fixed                                                                                       | \$0.50        |
|                                                                                          | Over \$5,000 valuation – Fee amount is valuation x rate                                                                             | \$0.0001      |
| Commercial/Industrial                                                                    | Up to \$2,381 Valuation – Fee amount is fixed                                                                                       | \$0.50        |
|                                                                                          | Over \$2,381 Valuation – Fee amount is valuation x rate                                                                             | \$0.00021     |
| <b>HUNTINGTON BEACH LIBRARY (714) 960-8836</b>                                           |                                                                                                                                     |               |
| Residential:<br>Library Enrichment                                                       | Applied to all new development and additions which increase existing sq. ft. by over 50%                                            | \$0.15/sq.ft. |
| Commercial:<br>Library Enrichment                                                        | Applied to all new development and additions – Rate per sq. ft.                                                                     | \$0.15/sq.ft. |
| Residential:<br>Library Development                                                      | Applied to all new development and additions which increase existing sq. ft. by over 50% (including garage area) – Rate per sq. ft. | \$0.44/sq.ft. |
| Commercial/Industrial:<br>Library Development                                            | Applied to all new development and additions – Rate per sq. ft.                                                                     | \$0.04/sq.ft. |
| <b>HB SCHOOL DISTRICT (714) 536-7521 x250 (Payable directly to HBSD)</b>                 |                                                                                                                                     |               |
| Residential:<br>School District                                                          | Applied to new residential development and additions of 500 sq. ft. or more (excluding garage area) – Rate per sq. ft.              | \$2.63/sq.ft. |
| Commercial:<br>School District                                                           | Applied to all new development and additions – Rate per sq. ft.                                                                     | \$0.42/sq.ft. |
| <b>HB PARK &amp; RECREATION</b>                                                          |                                                                                                                                     |               |
| Residential                                                                              | Applied to all new development and additions – Rate per sq. ft.                                                                     | \$0.86/sq.ft. |
| Commercial/Industrial                                                                    | Applied to all new development and additions – Rate per sq. ft.                                                                     | \$0.23/sq.ft. |





**FEES:** The chart below may be used to estimate the cost of construction fees based on the project valuation but does not include fees required for other departments and trades. Note that the fees calculated are an approximation of the actual fees based on the current fee ordinance and may be subject to change without notice. The final fees will be determined when an application is submitted.

| Project valuation | Bldg. Plan <sup>(4)</sup><br>Review Fee | Planning <sup>(4)</sup><br>Review Fee | Inspection<br>Fee | Processing <sup>(4)</sup><br>Fee | Sub-Total |
|-------------------|-----------------------------------------|---------------------------------------|-------------------|----------------------------------|-----------|
| \$5,000.00        | \$84                                    | \$78                                  | \$110             | \$29                             | \$301     |
| \$10,000.00       | \$127                                   | \$117                                 | \$166             | \$29                             | \$439     |
| \$20,000.00       | \$212                                   | \$195                                 | \$279             | \$29                             | \$715     |
| \$30,000.00       | \$286                                   | \$263                                 | \$376             | \$29                             | \$954     |
| \$40,000.00       | \$348                                   | \$320                                 | \$457             | \$29                             | \$1,154   |
| \$50,000.00       | \$409                                   | \$377                                 | \$538             | \$29                             | \$1,353   |
| \$60,000.00       | \$452                                   | \$416                                 | \$594             | \$29                             | \$1,491   |
| \$70,000.00       | \$495                                   | \$456                                 | \$650             | \$29                             | \$1,630   |
| \$80,000.00       | \$537                                   | \$495                                 | \$706             | \$29                             | \$1,767   |
| \$90,000.00       | \$580                                   | \$534                                 | \$762             | \$29                             | \$1,905   |
| \$100,000.00      | \$623                                   | \$574                                 | \$819             | \$29                             | \$2,045   |
| \$110,000.00      | \$657                                   | \$605                                 | \$863             | \$29                             | \$2,154   |
| \$120,000.00      | \$691                                   | \$636                                 | \$908             | \$29                             | \$2,264   |
| \$130,000.00      | \$725                                   | \$668                                 | \$953             | \$29                             | \$2,375   |
| \$140,000.00      | \$759                                   | \$699                                 | \$998             | \$29                             | \$2,485   |
| \$150,000.00      | \$793                                   | \$730                                 | \$1,043           | \$29                             | \$2,595   |
| \$160,000.00      | \$827                                   | \$762                                 | \$1,087           | \$29                             | \$2,705   |
| \$170,000.00      | \$861                                   | \$793                                 | \$1,132           | \$29                             | \$2,815   |
| \$180,000.00      | \$895                                   | \$824                                 | \$1,177           | \$29                             | \$2,925   |
| \$190,000.00      | \$929                                   | \$856                                 | \$1,222           | \$29                             | \$3,036   |
| \$200,000.00      | \$963                                   | \$887                                 | \$1,267           | \$29                             | \$3,146   |
| \$250,000.00      | \$1,133                                 | \$1,044                               | \$1,491           | \$29                             | \$3,697   |
| \$300,000.00      | \$1,304                                 | \$1,201                               | \$1,715           | \$29                             | \$4,249   |
| \$350,000.00      | \$1,474                                 | \$1,357                               | \$1,939           | \$29                             | \$4,799   |
| \$400,000.00      | \$1,644                                 | \$1,514                               | \$2,163           | \$29                             | \$5,350   |
| \$450,000.00      | \$1,814                                 | \$1,671                               | \$2,387           | \$29                             | \$5,901   |
| \$500,000.00      | \$1,984                                 | \$1,828                               | \$2,611           | \$29                             | \$6,452   |
| \$550,000.00      | \$2,129                                 | \$1,961                               | \$2,801           | \$29                             | \$6,920   |
| \$600,000.00      | \$2,274                                 | \$2,095                               | \$2,992           | \$29                             | \$7,390   |
| \$650,000.00      | \$2,419                                 | \$2,228                               | \$3,182           | \$29                             | \$7,858   |
| \$700,000.00      | \$2,564                                 | \$2,361                               | \$3,373           | \$29                             | \$8,327   |
| \$750,000.00      | \$2,708                                 | \$2,495                               | \$3,563           | \$29                             | \$8,795   |
| \$800,000.00      | \$2,853                                 | \$2,628                               | \$3,754           | \$29                             | \$9,264   |
| \$850,000.00      | \$2,998                                 | \$2,761                               | \$3,944           | \$29                             | \$9,732   |
| \$900,000.00      | \$3,143                                 | \$2,895                               | \$4,135           | \$29                             | \$10,202  |
| \$950,000.00      | \$3,288                                 | \$3,028                               | \$4,325           | \$29                             | \$10,670  |
| \$1,000,000.00    | \$3,432                                 | \$3,161                               | \$4,516           | \$29                             | \$11,138  |
| \$1,250,000.00    | \$3,988                                 | \$3,673                               | \$5,247           | \$29                             | \$12,937  |
| \$1,500,000.00    | \$4,545                                 | \$4,186                               | \$5,979           | \$29                             | \$14,739  |

|                |         |         |         |      |          |
|----------------|---------|---------|---------|------|----------|
| \$1,750,000.00 | \$5,101 | \$4,699 | \$6,712 | \$29 | \$16,541 |
| \$2,000,000.00 | \$5,658 | \$5,211 | \$7,444 | \$29 | \$18,342 |

**NOTE:**

1. Fees are effective dated 1/20/2006. For latest fees obtain the "**Building Permit Fee**" schedule.
2. A 4.1% Automation Fee will be added to all fees listed pursuant to Resolution 2005-75.
3. See attached handout for additional fees such as Library Development, Park Development, etc
4. These fees are payable at plan submittal.
5. Additional fees for Mechanical, Plumbing, Electrical, Fire, PW, Sanitation may apply.



## **CITY OF HUNTINGTON BEACH**

### **PROJECT IMPLEMENTATION CODE REQUIREMENTS**

**DATE:** November 6, 2008  
**PROJECT NAME:** BEACH PROMENADE  
**PLANNING APPLICATION NO.:** PLANNING APPLICATION NO. 08-062  
**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 08-013; DESIGN REVIEW NO. 08-013  
**DATE OF PLANS:** JUNE 19, 2008  
**PROJECT LOCATION:** 21132 BEACH BOULEVARD, HUNTINGTON BEACH  
**PROJECT PLANNER:** TESS NGUYEN, ASSOCIATE PLANNER  
**PLAN REVIEWER:** Kellee Fritzal, Deputy Director of Economic Development  
**TELEPHONE/E-MAIL:** (714) 374-1519/kfritzal@surfcity-hb.org  
**PROJECT DESCRIPTION:** TO PERMIT A 5,570 SQ. FT. ADDITION AND AN EXTERIOR MODIFICATION OF AN EXISTING SHOPPING CENTER

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The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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The Economic Development Department has the following concerns with the plans:

- 1) The Economic Development Department wants to ensure that the Beach Blvd. frontage road is not used for landscaping and does not allow for on-street parking.
- 2) Concerning with the new access onto Beach Blvd - does the modifications for the entry onto Beach Boulevard encroach into the frontage road?



## HUNTINGTON BEACH FIRE DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** OCTOBER 1, 2008  
**PROJECT NAME:** BEACH PROMENADE  
**ENTITLEMENTS:** PLANNING APPLICATION NO. 08-062  
**PROJECT LOCATION:** 21132 BEACH, HUNTINGTON BEACH, CA  
**PLANNER:** TESS NGUYEN, ASSOCIATE PLANNER  
**TELEPHONE/E-MAIL:** (714) 374-1744/ tnguyen@surfcity-hb.org  
**PLAN REVIEWER-FIRE:** DARIN MARESH, FIRE DEVELOPMENT SPECIALIST  
**TELEPHONE/E-MAIL:** (714) 536-5531/ dmaresh@surfcity-hb.org  
**PROJECT DESCRIPTION:** TO PERMIT A 5,870 SQ. FT. ADDITION AND AN EXTERIOR MODIFACATION OF AN EXISTING SHOPPING CENTER; THE PROJECT ALSO INCLUDES A VARIANCE FOR A 38-PARKING SPACE REDUCTION FOR THE BUILDING ADDITION.

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The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated September 23, 2008. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: DARIN MARESH, FIRE DEVELOPMENT SPECIALIST.

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#### **PRIOR TO DEMOLITION, GRADING, SITE DEVELOPMENT, ISSUANCE OF GRADING PERMITS, BUILDING PERMITS, AND/OR CONSTRUCTION, THE FOLLOWING SHALL BE REQUIRED:**

- a. **Fire Access Roads** (currently existing) shall be maintained in compliance with City Specification # 401, *Minimum Standards for Fire Apparatus Access*. Driving area shall be capable of supporting a fire apparatus (75,000 lbs and 12,000 lb point load). Minimum fire access road width is twenty-four feet (24') wide, with thirteen feet six inches (13' 6") vertical clearance. Fire access roads fronting commercial buildings shall be a minimum width of twenty-six feet (26') wide, with thirteen feet six inches (13' 6") vertical clearance. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. **(FD)**
- b. **Fire Access Road Turns and Corners** (currently existing) shall be maintained with a minimum inner radius of seventeen feet (17') and a minimum outer radius of forty five feet (45') per City Specification # 401 *Minimum Standards for Fire Apparatus Access*. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. **(FD)**

- c. **Fire Lanes** (currently existing), as determined by the Fire Department, shall be posted, marked, and maintained per City Specification #415, *Fire Lanes Signage and Markings on Private, Residential, Commercial and Industrial Properties*. The site plan shall clearly identify all red fire lane curbs, both in location and length of run. The location of fire lane signs shall be depicted. No parking shall be allowed in the designated 24 foot wide fire apparatus access road or supplemental fire access per City Specification # 415. For Fire Department approval, reference and demonstrate compliance with City Specification # 401 *Minimum Standards for Fire Apparatus Access* on the plans. (FD)
- d. **Automatic Fire Sprinklers**. NFPA13 Automatic fire sprinkler systems are required per Huntington Beach Fire Code for new buildings with "fire areas" 5000 square feet or more or for buildings 10,000 square feet or more. An addition of square footage to an existing building also triggers this requirement.

Separate plans (three sets) shall be submitted to the Fire Department for permits and approval. The system shall provide water flow, tamper and trouble alarms, manual pull stations, interior and exterior horns and strobes, and 24-hour central station monitoring.

Automatic fire sprinkler systems must be maintained operational at all times, with maintenance inspections performed quarterly and the system serviced every five years by a state licensed C-16 Fire Protection Contractor.

For Fire Department approval, reference that a fire sprinkler system will be installed in compliance with the Huntington Beach Fire Code, NFPA 13, and City Specification # 420 - *Automatic Fire Sprinkler Systems* in the plan notes.

**NOTE:** The masonry walls separating the 21132 Beach Blvd. address (proposed new market) and the adjoining "Shop # 2 and Shop # 3" structures are rated-wall assemblies. Reducing this wall assembly rating below the four hour rating or making penetrations into this wall assembly **will trigger the fire sprinkler requirement to be extended to Shop # 2, Shop # 3, or both # 2 and #3, depending on which wall is affected.**

**NOTE:** When buildings under construction are more than one (1) story in height and required to have automatic fire sprinklers, the fire sprinkler system shall be installed and operational to protect all floors lower than the floor currently under construction. Fire sprinkler systems for the current floor under construction shall be installed, in-service, inspected and approved prior to beginning construction on the next floor above. (FD)

- e. **Modification, additions, or deletions to an existing automatic fire sprinkler system** or fire alarm system shall require that separate plans (three sets) shall be submitted to the Fire Department for permits and approval. Any extended interruption of the fire sprinkler system operation will require a "fire watch", approved by the Fire Department. Reference compliance with City Specification # 420 - *Automatic Fire Sprinkler Systems* and NFPA 13 in the plan notes. (FD)

- f. **Fire Department Connections (FDC)** to the automatic fire sprinkler systems shall be located to the front of the building, at least 25 feet from and no farther than 150 feet of a properly rated fire hydrant. (FD)
- g. **NPFA 13 Commercial Fire Sprinkler Systems Supply** shall be from a dedicated fire water service installed per Fire Department, Public Works, and Water Division Standards. The dedicated fire water service connection shall be a minimum of four inches (4") in size. Depending on fire sprinkler system demands, larger water service may be required. Separate plans shall be submitted to the Public Works Department for approval and permits, and must be completed prior to issuance of a grading permit. The dedicated fire water service off-site improvements shall be shown on a precise grading plan, prepared by a Licensed Civil Engineer. Contact Huntington Beach Public Works Department (714-536-5431) for offsite water improvement requirements. (FD)
- h. **Trash Dumpsters** or containers with an individual capacity of 1.5 cubic yards (40.5 cubic feet) or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines unless protected by an approved fire sprinkler system. HBFC 1103.2.2 For Fire Department approval, reference and demonstrate compliance with HBFC 1103.2.2 (FD)
- i. **Fire Extinguishers** shall be installed and located in all areas to comply with Huntington Beach Fire Code standards found in *City Specification #424*. The minimum required dry chemical fire extinguisher size is 2A 10BC and shall be installed within 75 feet travel distance to all portions of the building. Extinguishers are required to be serviced or replaced annually. (FD)

**THE FOLLOWING CONDITIONS SHALL BE MAINTAINED DURING CONSTRUCTION:**

- a. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with HBFC Chapter 14, Fire Safety During Construction And Demolition. (FD)
- b. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with City Specification #426, Fire Safety Requirements for Construction Sites. (FD)

**OTHER:**

- a. Discovery of additional soil contamination or underground pipelines, etc., must be reported to the Fire Department immediately and the approved work plan modified accordingly in compliance with City Specification #431-92 Soil Clean-Up Standards. (FD)
- b. Outside City Consultants The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. (FD)

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Fire Department City Specifications may be obtained at:  
Huntington Beach Fire Department Administrative Office  
City Hall 2000 Main Street, 5<sup>th</sup> floor  
Huntington Beach, CA 92648  
or through the City's website at [www.surfcity-hb.org](http://www.surfcity-hb.org)

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.

S:\Prevention\1-Development\1-Planning Department - Planning Applications, CUP's\2008 CUP's\Beach 21132 Beach Promenade PA#08-062  
CUP#08-007 10-01-08 DM.doc



## HUNTINGTON BEACH POLICE DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** OCTOBER 30, 2008  
**PLANNER:** TESS NGUYEN  
**PROJECT NAME:** BEACH PROMENADE  
**REQUEST:** TO PERMIT A 5,870 SQ. FT. ADDITION AND AN EXTERIOR MODIFICATION OF AN EXISTING SHOPPING CENTER. THE APPLICANT IS PROPOSING A WALK-UP ATM IN THE PARKING LOT.  
**PROJECT LOCATION:** 21132 BEACH BLVD, HUNTINGTON BEACH  
**DATE OF PLANS:** SEPTEMBER 23, 2008  
**PLAN REVIEWER:** JAN THOMAS  
**TELEPHONE/E-MAIL:** (949) 348-8186 jckthomas@cox.net

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The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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Police recommend not allowing the market expansion as shown. The expansion creates a five foot wide walkway between the existing shops and the market expansion. This dead end walkway provides an area for undesirable activity. Also, the doors for the existing shops open into this walkway, which leaves people vulnerable to any type of crime to occur in this area and to go unnoticed.

Police recommend not allowing the ATM in this location as well. This is a stand alone ATM in an isolated area. At night, when the stores are closed, users of this ATM would be even more vulnerable to criminal activity.





## HUNTINGTON BEACH PUBLIC WORKS DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** OCTOBER 30, 2008  
**PROJECT NAME:** BEACH PROMENADE  
**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 08-013; DESIGN REVIEW NO. 08-013;  
VARIANCE NO. 08-007  
**PLNG APPLICATION NO:** 2008-0062  
**DATE OF PLANS:** SEPTEMBER 23, 2008  
**PROJECT LOCATION:** 21132 BEACH BOULEVARD, HUNTINGTON BEACH  
**PROJECT PLANNER:** TESS NGUYEN, ASSOCIATE PLANNER  
**TELEPHONE/E-MAIL:** (714) 374-1744 / [TNGUYEN@SURFCITY-HB.ORG](mailto:TNGUYEN@SURFCITY-HB.ORG)  
**PLAN REVIEWER:** STEVE BOGART, SENIOR CIVIL ENGINEER  
**TELEPHONE/E-MAIL:** 714-374-1692 / [SBOGART@SURFCITY-HB.ORG](mailto:SBOGART@SURFCITY-HB.ORG)  
**PROJECT DESCRIPTION:** TO PERMIT A 5,570 SQ. FT. ADDITION AND AN EXTERIOR  
MODIFICATION OF AN EXISTING SHOPPING CENTER. ALSO  
INCLUDES A VARIANCE FOR A 38-PARKING SPACE REDUCTION FOR  
THE BUILDING ADDITION.

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The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

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#### THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO ISSUANCE OF A DEMOLITION PERMIT:

1. Applicant shall provide a consulting arborist report on all the existing trees. Said report shall quantify, identify, size and analyze the health of the existing trees. The report shall also recommend how the existing trees that are to remain (if any) shall be protected and how far construction/grading shall be kept from the trunk. (Resolution 4545)
  - a. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk).

ATTACHMENT NO. 5.18

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO  
ISSUANCE OF A GRADING PERMIT:**

1. A Precise Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The plans shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:
  - a. The existing sewer laterals and private sewer main, serving the subject site, may potentially be utilized if there are of adequate size, conform to current Public Works Standards and are determined to be in serviceable condition by submitting a video of said sewer laterals and sewer main. If the sewer is determined to be inadequate, new sewer laterals and the private sewer main shall be installed, connecting to the main in the Atlanta Avenue, per Public Works Standards. (ZSO 230.84)
  - b. Separate domestic water services and meters to 21022 and 21132 Beach Blvd shall be installed per Water Standards, and sized to meet the minimum requirements set by the California Plumbing Code (CPC). The domestic water services shall be a minimum of 2-inches in size. (ZSO 230.84)
  - c. Separate dedicated fire service line(s) with backflow protection device(s) shall be constructed per Water Standards for the fire sprinkler system(s) required by the Fire Department to serve 21022 and 21132 Beach Blvd. (ZSO 230.84)
  - d. Separate backflow protection devices shall be installed per Water Division Standards on all existing and new domestic and irrigation water services to buildings owned by the developer. (Resolution 5921 and Title 17)
  - e. The existing water service and meter serving 21022 and 21132 Beach Blvd shall be abandoned per Water Standards. (ZSO 230.84)
  - f. A separate irrigation water service and meter shall be installed per Water Division Standards. The water service shall be a minimum of 1-inch in size. (ZSO 232)
  - g. If the Fire Department requires upgrades to the fire water pipelines, a hydraulic water analysis shall be performed to identify required water improvements. The developer shall be required to upgrade/improve the City's water system to meet the water demands to the site and/or otherwise mitigate the impacts of the property at no cost to the City. (Unless proven otherwise, and approved by the City, these upgrades shall include the design and construction of approximately 1100 lineal feet of 12-in water pipeline and appurtenances, constructed per Water Division standards.) The developer shall meet with the Fire and Public Works Departments to discuss the fire flow and fire hydrant requirements and provide the city with a site plan showing the existing and proposed on-site and off-site water improvements (including pipeline sizes, fire hydrant, meter, and backflow device locations). The developer shall be responsible to pay the City to perform the analysis using the City's hydraulic water model. (ZSO 230.84 and SMA 66428.1(d))
  - h. Existing and proposed locations for the subject site's trash enclosures shall be depicted on the grading plan. The areas shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, and screened or walled to prevent off-site transport of trash. The trash enclosure areas shall be covered or roofed with a solid, impervious material. Connection of trash area drains into the storm drain system is prohibited. If feasible, the trash enclosure areas shall be connected into the sanitary sewer. (DAMP)

2. A Street Improvement Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The plans shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:
  - a. An ADA compliant curb access ramp shall be constructed at the southeast corner of Atlanta Avenue the frontage road. (ZSO 230.84)
  - b. The existing driveway approaches on the Beach Boulevard frontage road and on Atlanta Avenue shall be removed and replaced with an ADA compliant driveway approaches per Public Works Standard Plan No. 211. (ZSO 230.84)
  - c. The existing northerly driveway approach on the Beach Boulevard frontage road shall be removed and replaced with curb, gutter, and sidewalk per Public Works Standard Plan Nos. 202 and 207. (ZSO 230.84)
  - d. The existing southerly driveway approach on the Beach Boulevard frontage road shall be removed. (ZSO 230.84)
  - e. Relocate the existing streetlight (currently adjacent to the proposed main westerly entrance to the subject site) to a location as approved by the Transportation Division of Public Works. (ZSO 230.84)
3. A twenty-five sight triangle shall be provided at the intersection of Beach Boulevard and Atlanta Avenue. (ZSO 230.88)
4. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Public Works Department for review and approval by the Public Works and Planning Departments. (ZSO 232.04)
  - a. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk).
  - b. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. (ZSO 232.04D)
  - c. Standard landscape code requirements apply. (ZSO 232)
5. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and Landscape Standards and Specifications. (ZSO 232.04B)
6. Landscaping plans should utilize native, drought-tolerant landscape materials where appropriate and feasible. (DAMP)
7. A Consulting Arborist (approved by the City Landscape Architect) shall review the final landscape tree-planting plan and approve in writing the selection and locations proposed for new trees and the protection measures and locations of existing trees to remain. Said Arborist signature shall be incorporated onto the Landscape Architect's plans and shall include the Arborist's name, certificate number and the Arborist's wet signature on the final plan. (Resolution 4545)
8. The applicant's grading/erosion control plan shall abide by the provisions of AQMD's Rule 403 as related to fugitive dust control. (AQMD Rule 403)
9. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Planning and Public Works Departments. In addition, clearly visible signs shall be posted on the perimeter of the site every 250 feet indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by

adjacent property owners during the construction activity. He/She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number, regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule No. 403.

10. The applicant shall notify all property owners and tenants within 300 feet of the perimeter of the property of a tentative grading schedule at least 30 days prior to such grading.

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH DURING  
GRADING OPERATIONS:**

1. An Encroachment Permit is required for all work within the City's right-of-way. (MC 12.38.010/MC 14.36.030)
2. An Encroachment Permit is required for all work within Caltrans' right-of-way.
3. Existing street tree(s) to be inspected by the City Inspector during removal of concrete and prior to replacement thereof. Tree replacement or root/tree protection, will be specified upon the inspection of the root system. (Resolution 4545)
4. The developer shall coordinate the development of a truck haul route with the Department of Public Works if the import or export of material in excess of 5000 cubic yards is required. This plan shall include the approximate number of truck trips and the proposed truck haul routes. It shall specify the hours in which transport activities can occur and methods to mitigate construction-related impacts to adjacent residents. These plans must be submitted for approval to the Department of Public Works. (MC 17.05.210)
5. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading to keep the soil damp enough to prevent dust being raised by the operations. (California Stormwater BMP Handbook, Construction Wind Erosion WE-1)
6. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only. (MC 17.05)
7. Wet down the areas that are to be graded or that is being graded, in the late morning and after work is completed for the day. (WE-1/MC 17.05)
8. The construction disturbance area shall be kept as small as possible. (California Stormwater BMP Handbook, Construction Erosion Control EC-1) (DAMP)
9. All haul trucks shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas. (DAMP)
10. Prior to leaving the site, all haul trucks shall be washed off on-site on a gravel surface to prevent dirt and dust from leaving the site and impacting public streets. (DAMP)
11. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (AQMD Rule 403)
12. Wind barriers shall be installed along the perimeter of the site. (DAMP)
13. All construction materials, wastes, grading or demolition debris and stockpiles of soils, aggregates, soil amendments, etc. shall be properly covered, stored and secured to prevent transport into surface or ground waters by wind, rain, tracking, tidal erosion or dispersion. (DAMP)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO  
ISSUANCE OF A BUILDING PERMIT:**

1. A Precise Grading Permit shall be issued. (MC 17.05)
2. Traffic impact fees for commercial development shall be paid at the rate applicable at the time of Building Permit issuance. The current rate of \$154 per net new added daily trip is adjusted annually on December 1st. This project is forecast to generate 256 new daily trips for a total traffic impact fee of \$39,424. (MC 17.65)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO FINAL  
INSPECTION OR OCCUPANCY:**

1. Complete all improvements as shown on the approved grading, landscape and improvement plans. (MC 17.05)
2. The current tree code requirements shall apply to this site. (ZSO 232)
  - a. Existing trees to remain on site shall not be disfigured or mutilated, (ZSO 232.04E), and,
  - b. General tree requirements, regarding quantities and sizes, (ZSO 232.08B and C).
3. All landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect. (ZSO 232.04D)
4. Applicant shall provide City with CD media TIFF images (in City format) and CD (AutoCAD only) copy of complete City Approved landscape construction drawings as stamped "Permanent File Copy" prior to starting landscape work. Copies shall be given to the City Landscape Architect for permanent City record.
5. All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the Public Works Fee Schedule adopted by the City Council and available on the city web site at [http://www.surfcity-hb.org/files/users/public\\_works/fee\\_schedule.pdf](http://www.surfcity-hb.org/files/users/public_works/fee_schedule.pdf) . (ZSO 240.06/ZSO 250.16)
6. The Water Ordinance #14.52, the "Water Efficient Landscape Requirements" apply for projects with 2500 square feet of landscaping and larger. (MC 14.52)



**HUNTINGTON BEACH  
PUBLIC WORKS DEPARTMENT  
SUGGESTED CONDITIONS OF APPROVAL**

**DATE:** OCTOBER 30, 2008  
**PROJECT NAME:** BEACH PROMENADE  
**ENTITLEMENTS:** CONDITIONAL USE PERMIT NO. 08-013; DESIGN REVIEW NO. 08-013; VARIANCE NO. 08-007  
**PLNG APPLICATION NO:** 2008-0062  
**DATE OF PLANS:** SEPTEMBER 23, 2008  
**PROJECT LOCATION:** 21132 BEACH BOULEVARD, HUNTINGTON BEACH  
**PROJECT PLANNER:** TESS NGUYEN, ASSOCIATE PLANNER  
**TELEPHONE/E-MAIL:** (714) 374-1744 / [TNGUYEN@SURFCITY-HB.ORG](mailto:TNGUYEN@SURFCITY-HB.ORG)  
**PLAN REVIEWER:** STEVE BOGART, SENIOR CIVIL ENGINEER  
**TELEPHONE/E-MAIL:** 714-374-1692 / [SBOGART@SURFCITY-HB.ORG](mailto:SBOGART@SURFCITY-HB.ORG)  
**PROJECT DESCRIPTION:** TO PERMIT A 5,570 SQ. FT. ADDITION AND AN EXTERIOR MODIFICATION OF AN EXISTING SHOPPING CENTER. ALSO INCLUDES A VARIANCE FOR A 38-PARKING SPACE REDUCTION FOR THE BUILDING ADDITION.

**THE FOLLOWING CONDITIONS ARE REQUIRED TO BE COMPLETED PRIOR TO  
ISSUANCE OF A GRADING PERMIT:**

1. The site plan shall identify what is the intended use of the space between the drugstore and shop building number 3 and what is the space behind shop building number 3.
2. The site plan shall also identify all emergency doors, transformers, bollards, and miscellaneous built out spaces behind Big Lots, shop building numbers 2 and 3, and the drugstore.
3. The site plan shall also identify the truck dock for Big Lots.
4. A Precise Grading Plan shall include the following improvements on the plan:
  - a. Damaged curb, gutter and sidewalk along the Atlanta Avenue and Beach Boulevard (frontage road) frontages shall be removed and replaced per Public Works Standard Plan Nos. 202 and 207. (ZSO 230.84 and ADA)
  - b. All new water meters shall be constructed in the public R-O-W adjacent to the frontage road. All existing water meters currently located at the building shall be relocated to the public R-O-W adjacent to the frontage road. ("Master metering" of individual meters of multiple businesses in the same building shall be allowed.)

Backflow protection devices on new and relocated meters shall be constructed immediately adjacent to the meter.

5. Developer shall secure or provide evidence of applicable public utility easement documentation for all new and existing public water facilities crossing private property.
6. A Traffic Study shall be provided to support the statement that congestion will be reduced at the intersection of Beach Boulevard and Atlanta Avenue by the addition of a right in/right out access to Beach Boulevard. The study shall also address the frontage road, stacking requirements and improvements.
7. The proposed primary access point to the development from Beach Boulevard is shall not be allowed.

# MICHAEL C. ADAMS ASSOCIATES

December 16, 2008

Mr. Tom Livengood, Chairman  
Huntington Beach Planning Commission  
2000 Main Street  
Huntington Beach, CA 92648

Subject: Appeal of Conditions imposed upon Zoning Administrator Approval of  
Conditional Use Permit No. 2008-013; Variance No. 2008-007  
Beach Promenade Commercial Center

Chairman Livengood and Commissioners:

On behalf of Bijan Sassounian and the other owners of the Beach Promenade Shopping Center at Beach Boulevard and Atlanta Avenue, we are appealing certain conditions imposed upon the Zoning Administrator's approval of the above-referenced applications to permit the minor expansion and major remodel of the shopping center.

The narrow configuration of this center and parking lot, its divided ownership, and access constraints created by the former Caltrans frontage road present unique challenges to upgrading this center to compete in today's retail environment. Approval of the conditional use permit and parking variance will allow the center's owners to invest in needed improvements to the center to attract new tenants for the long term economic benefit of the entire community.

We have had several meetings with development staff to review the proposed project and are in receipt of their comments and recommendations. While we concur with the majority of these recommendations, there are a number of recommended conditions of approval and code requirements that we would like to clarify, and, in some cases, request relief from their strict application. These recommendations, and our requests, are summarized below.

Condition 1.a.i-iv We would like it noted that as part of its approval, the Design Review Board required the inclusion of a number of elements and features not reflected on the conceptual site plan, notably a plaza/courtyard, north to south walkways, ADA-compliant paths of travel throughout the center and a public art element. We anticipate that incorporating these elements into the final design of the center will result in the loss of approximately twenty parking spaces or landscaped areas depicted on the conceptually approved site plan. We would like some flexibility in the final number of parking spaces or landscape areas required in order to achieve these design objectives, subject to Planning Director approval.

P.O. Box 382, Huntington Beach, CA 92648-0382  
Phone (714)374-5678 Cell (714) 376-3060 Fax (714) 374-2211  
e-mail: [AdamsAssoc@socal.rr.com](mailto:AdamsAssoc@socal.rr.com)

City of Huntington Beach  
DEC 19 2008  
ATTACHMENT NO. 6.1



Condition 1b The existing Rite Aid building is set back 24 feet from the rear (east) property line. No expansion into this setback is proposed as part of this application. It is not possible to provide a hammerhead turnaround behind the existing "Shops 2" building that complies with the design criteria contained in City Specification #401, either with or without demolition of all or a portion of this building. The owner of the Shops 2 building (Sigma Enterprises) and Applicant are opposed to any demolition of this building, and therefore request relief from and/or removal of this condition.

Conditions 2.c, 3 and 4 There are inherent conflicts in the intent of these conditions. In Condition 4, the Economic Development Department would like to prohibit all "encroachment" into the frontage road, including prohibiting "curb, gutter, pavement, landscaping, lighting or signage" improvements as well as an existing driveway to the center which has been rendered unusable by the City's construction of an asphalt curb within the frontage road.

However, in Conditions 2.c.1 and 2.c.2 Public Works is requiring the Applicant to remove and replace all damaged public curb, gutter and sidewalk within the frontage road right of way. Additionally, Planning has requested, and the approved site plan depicts, construction of a new sidewalk crossing the frontage road to connect the shopping center to the existing apartment development to the south.

On one hand, the Applicant is being required to make significant repairs to public curb, gutter and sidewalk improvements within the frontage road right of way that the City has failed to maintain and that are not affected by the requested expansion; and on the other hand is being prohibited from constructing requested new access and circulation improvements consistent with good planning and design, and which are critical to the viability of the center and attracting and retaining high quality tenants.

We hereby request the Planning Commission to eliminate suggested Condition 4 and approve the conceptual site plan and access to Beach Boulevard as submitted, based on the Access and Parking Analysis prepared by LSA Associates, Inc., which concludes that the proposed access to Beach Boulevard will not have a negative impact on traffic movements. It is our belief that providing direct ingress and egress to and from the center for northbound traffic on Beach Boulevard will help revitalize the center and reduce the amount of traffic making unsafe left turns across Atlanta Avenue to get to Beach Boulevard.

Condition 2.c.2 We would like the wording of this condition clarified to apply only to the two buildings which are proposed to be expanded as part of this CUP – 21022 Beach Boulevard (vacant Bank of America building) and 21132 Beach Boulevard (existing Rite Aid building), in lieu of "All new water meters" and "All existing water meters." We request that new backflow prevention devices be allowed (vs. prohibited) within the front yard setback; otherwise they cannot be constructed "immediately adjacent to the meter" unless they are constructed in the public sidewalk. We believe they can be placed within the six-foot wide planter area immediately behind the sidewalk and screened with landscaping.

City of Huntington Beach

DEC 19 2008

ATTACHMENT NO. 6.2

The Applicant is also requesting relief from the following recommended conditions and code requirements contained in the comment letter from the Public Works Department dated October 30, 2003:

Requirements 1b & 1e Separate domestic water services and meters already exist for the 21022 and 21132 buildings. We would like to use the existing services and meters if possible, and not have to abandon them. (We have no issue with the fire service requirements per 1c).

Requirement 1d Only two buildings are proposed to be expanded. The requirement to install new backflow protection devices on all new and existing domestic and irrigation services at the center, which includes other building owners, seems to be excessive.

Requirement 1g The center is currently served by an 8-inch public water main located in the frontage road. The requirement to construct 1,100 linear feet of a new 12-inch water line is a major expense for such a small expansion to the center and will require participation of other building owners at the center. We request deferral of this requirement until such time as the center is redeveloped.

Requirements 2a & 2d We request relief from requirement 2a to install a new handicap ramp at the corner of Atlanta and the frontage road, and requirement 2d to remove the existing driveway approach at the south end of the center, which may be needed for truck access.

On behalf of the center's owners, we respectfully request your approval of the CUP and parking variance to permit remodeling of the center, and thank you for your consideration of the above requested modifications to the conditions of approval and code requirements.

Sincerely,



Bill Holman

Michael C. Adams Associates

Cc: Mayor Keith Bohr and City Council  
Fred Wilson, City Manager  
Bob Hall, Assistant City Manager  
Scott Hess, Director of Planning  
Herb Fauland, Planning Manager  
Tess Nguyen, Associate Planner ✓  
Terri Elliott, Principal Civil Engineer  
Steve Bogart, Senior Civil Engineer  
Bill Reardon, Division Chief, Fire Marshal  
Gerald Caraig, Permit-Plan Check Manager  
Kellee Fritzel, Deputy Director of Economic Development  
Bijan Sassounian  
Mike Adams  
Phillip Silver, Sigma Enterprises  
Jim Diebold, PNS Stores, Inc.

City of Huntington Beach

DEC 19 2008

ATTACHMENT NO. 6.3

Laura Thigpen  
8172 Whitestone Drive  
Huntington Beach, California 92646

27 January 2009

City of Huntington Beach

Huntington Beach Planning Department  
Planning Commission  
Post Office Box 190  
Huntington Beach, California 92648

JAN 29 2009

Re: Conditional Use Permit No. 2008-013

To whom it may concern:

I understand the city would like to see a hotel with retail on the first floor in the area which now houses the Big Lots Shopping Center. As a resident of Surfside, I am opposed to this idea. I would prefer to see the shopping center revitalized and believe it would be more beneficial to the area.

The Big Lots Shopping Center is the only shopping center in that area of Beach Boulevard, and there are a number of residential neighborhoods and apartments which benefit from this shopping center. Not to mention, there are already two hotels in this area. Do we really need another? With a face-lift, this might even provide a place which visitors to the hotel might patronize. Not everyone who comes to Huntington Beach can afford to shop at the stores located in the hotels themselves. As we all know, they can be very expensive. Many people come with their families and would likely benefit from a grocery store and drug store that is within walking distance.

I am sure you take the residents of Huntington Beach into consideration when making these types of decisions. I hope you agree if the choice for this area is either a hotel or a shopping center, that a shopping center would be most beneficial.

Thank you for your consideration,



Laura Thigpen

LT:lt

ATTACHMENT NO. 7.1

Dianne Gillespie  
8232 Foxhall Drive  
Huntington Beach, CA 92646  
February 2, 2009

City of Huntington Beach

FEB 2 2009

Huntington Beach Planning Department  
C/O Planning Commission  
PO Box 190  
Huntington Beach, CA 92648

Re: Conditional Use Permit No. 2008-013

To: Scott Hess, Director of Planning:

This letter is to let you know that as a resident of Surfside Townhomes, which is adjacent to the Big Lots Shopping Center on Beach and Atlanta, **I support a one story expansion and remodel in that center.**

I am wholeheartedly *against a high rise development* for that location.

I have been a resident-owner in Surfside Townhomes since 1986 and have had all of my views of the mountains to the East and the sunsets to the West blocked by home developments, and high rise hotels.

At our last Home Owners meeting, our President, Robin Taylor, showed us a copy of the plans showing what the Sassounian Development Co. wish to do with the Center. I am in total agreement with the plans. We do not need another hotel at this site; there are plenty of reasonable priced hotels and motels on Beach Blvd. already.

Again, I support the owners of the Big Lots Shopping Center in their plan to keep the height of the stores in the Center no higher than one story!

Thank you for your time.

Sincerely,

Dianne M. Gillespie

Faxed to: 714-374-1678 (Scott Hess); 714-536-5233 (City Council)  
E-mailed to: [linda.wine@surfcity-hb.org](mailto:linda.wine@surfcity-hb.org) (Planning Comm.)  
[pdapkus@surfcity-hb.org](mailto:pdapkus@surfcity-hb.org) (City Council)

ATTACHMENT NO. 7.2

Stephenson, Johanna

3526

**From:** Dapkus, Pat  
**Sent:** Monday, February 02, 2009 8:57 AM  
**To:** Stephenson, Johanna  
**Subject:** FW: Big Lots Center remodel on Beach & Adams

---

**From:** c allen [mailto:charlie613hb@socal.rr.com]  
**Sent:** Saturday, January 31, 2009 11:41 PM  
**To:** Dapkus, Pat; Wine, Linda  
**Subject:** Big Lots Center remodel on Beach & Adams

8216 Foxhall Drive  
Huntington Beach, CA 92646  
January 31, 2009

Huntington Beach Planning Department  
C/O Planning Commission  
PO Box 190  
Huntington Beach, CA 92648

Re: Conditional Use Permit No. 2008-013

To: Scott Hess, Director of Planning:

This letter is to let you know that as a resident of Surfside Townhomes, which is adjacent to the Big Lots Shopping Center on Beach and Atlanta, **I support a one story expansion and remodel in that center.**

I am wholeheartedly ***against a high rise development*** for that location.

I have been a resident-owner in Surfside Townhomes since 1979 and have had all of my views of the mountains to the East and the sunsets to the West blocked by home developments, multi-story apartments and high rise hotels. I can't see any good reason why there should be more high rise developments encroaching on the space around my complex.

Again, I support the owners of the Big Lots Shopping Center in their plan to keep the height of the stores in the Big Lots Shopping Center no higher than one story!

Thank you for your time.

Charlean E. Allen

Faxed to: 714-374-1678 (Scott Hess); 714-536-5233 (City Council)  
E-mailed to: [linda.wine@surfcity-hb.org](mailto:linda.wine@surfcity-hb.org) (Planning Comm.)  
[pdapkus@surfcity-hb.org](mailto:pdapkus@surfcity-hb.org) (City Council)

ATTACHMENT NO. 7.3

Renee Cornair  
8142 Wildwood Circle  
Huntington Beach, CA 92646  
February 9, 2009

City of Huntington Beach

FEB 12 2009

Huntington Beach Planning Dept.  
c/o Planning Commission  
P.O. Box 190  
Huntington Beach, CA 92648  
ref.: Conditional Use Permit No. 2008-013 : Beach Promenade Commercial Center

Dear Planning Committee representative,

I am writing concerning the proposed development of the Big Lot's shopping center on Beach Blvd. & Atlanta (Beach Promenade Commercial Center). Because of my work schedule I am unable to attend City Council meetings, but I would like to comment on the existing proposals to the site.

My understanding is that Sassounian LLC would like to maintain the existing one story structure while refurbishing the existing business fronts. They propose using colors and materials complementing the surrounding residential neighborhoods. This would finally eliminate the existing "blighted" appearance of this site, without eliminating valued existing businesses, which would be welcomed by the community.

Adding a new grocery store would be a highly favored addition, especially for seniors in the area that cannot drive, but could more easily walk to this location than to the grocery store several blocks away.

The existing Big Lots is also very important to local seniors on a fixed income. Most of the community would like to retain it in its present location as it also services a broad spectrum of the community and the closest other location is some distance from our area.

By relocating the Thrifty Drug store to the perpetually empty BOA building, some of the abandoned atmosphere of the center would be overcome, while still retaining another valued business. Las Barcas restaurant is a well known local gem that the residents of our area would be loathe to lose. It is almost an HB landmark and a convenient dining alternative for HB visitors to our beach and existing hotels in the area. We really have very few affordable restaurants within walking distance of the beach that service such a broad spectrum of our community.

In contrast, we do not see a value to the local community for a multi-story hotel with retailers on the 1st floor. They would only be of value to transitory visitors, not the residential community at large. They would be in direct competition with the existing huge Hyatt Regency Hotel directly across the street on Beach & PCH. In a downturn economy, I cannot see yet another half empty hotel adding desired commerce to our area.

Sincerely,  
Renee M. Cornair

ATTACHMENT NO. 7.4

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***SURFSIDE***  
***HOMEOWNERS ASSOCIATION***

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February 5, 2009

City of Huntington Beach

Huntington Beach Planning Department  
c/o Planning Commission  
P.O. Box 190  
Huntington Beach, CA 92648

FEB 18 2009

Re: Conditional Use Permit No. 2008-013 Beach Promenade Commercial Center

Dear Sir or Ma'am,

This letter serves as support for the Conditional Use Permit No. 2008-013 Beach Promenade Commercial Center. The Board of Directors for the adjacent Surfside Homeowners Association No. 1 is in support of the single story redevelopment project.

If you have any questions or concerns, please feel free to contact our community association manager, David Rainer of Merit Property Management, at 949-448-6103 or [drainer@meritpm.com](mailto:drainer@meritpm.com).

Sincerely,

The Board of Directors  
Surfside Homeowners Association No. 1

Cc: Bijan Sassounian

Managed by  
**MERIT PROPERTY MANAGEMENT, INC.**  
1 Polaris Way, Suite 100 • Aliso Viejo, CA 92656 • 949/448-6000 • 800/428-5588 - FAX  
949/448-6400

ATTACHMENT NO. 7.5

City of Huntington Beach

JAN 30 2009

Huntington Beach Planning Department  
C/o Planning Commission  
P.O. Box 190  
Huntington Beach, CA 92648

Re: Conditional Use Permit No. 2008-13: Beach Promenade Commercial Ctr.

Dear Commissioners:

I recently was made aware of the above referenced plan to remodel the Commercial Center located at Beach Blvd. and Atlanta Ave.

I agree this center is an eyesore and wholly applaud a remodel.

I however **do not** agree with a 5 story high rise being built on the premises.

We have too much traffic congestion in the area presently.

I live in the Surfside Homes by the Sea condo complex and already try to avoid driving anywhere on weekends because of it. We do not want anymore.

Enough is enough.

City of Huntington Beach

Keep it to 1 story.

FEB - 2 2009

Sincerely,



Claude von Plato  
8212 Foxhall Drive  
Huntington Beach, 92646

ATTACHMENT NO. 7.6



January 28, 2009

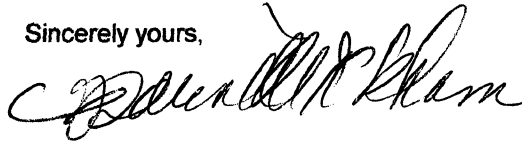
JAN 30 2009

Dear Huntington Beach Planning Department,

I am a resident of Surfside Homes. I am a block from Beach and Atlanta. It has come to my attention that there is a proposal to build a second story hotel on top of the Big Lots Shopping Center. The hotel would have a negative effect on our neighborhood. This new two plus story building would affect the sun and ocean breezes we enjoy right now.

Because I am totally disabled, I spend most of my time at home. Therefore, my environment at my residence is very important to me. I do not want this proposal for a hotel to go through.

Sincerely yours,



Cheri Darnell Wickman  
Betty Darnell



City of Huntington Beach

FEB - 2 2009

TO: Sam

ATTACHMENT NO. 7.7